

Quarterly of the California Historical Society

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CHARLES E. DE LONG
About the age of seventeen years.

Quarterly of the California Historical Society

"CALIFORNIA'S BANTAM COCK"

THE JOURNALS OF CHARLES E. DE LONG, 1854-1863

Edited, with an Introduction, by Carl I. Wheat

INTRODUCTION

Charles E. De Long, the author of this journal, was a native of New York State, of French descent. He was born in Beekmansville, Dutchess County, on August 13, 1832, and was destined to be a farmer, as had been his father before him, until the gold discoveries drew him, a youth of seventeen, together with a brother "Jim," to California. The boys landed in San Francisco on June 5, 1850, and at once made for "the diggins," eventually drifting to the rich bars and flats of the Yuba River.

James, the brother, returned to "the States" in 1852 or 1853, Charles' daily journal not being commenced (so far as we know) until January, 1854. Occasional references to the earlier years hint of hard work and some desultory success, but on the whole of a rather unprofitable struggle to make a living in the new country. By the close of 1853 the diarist had become the owner of several "claims" near North San Juan and Camptonville in the heart of the Yuba diggings, but he evidently was not then actively working them, for at the opening of 1854 we find him and one Kessler keeping a store at North San Juan. This store was soon sold and the year was spent in mining, clerking, collecting tolls at the bridge at Bullard's Bar, and otherwise groping about for a permanent means of livelihood.

Early in 1855 De Long took a step which was of great importance to his later career. He became a deputy sheriff and for a time was chiefly concerned with the collection of the notorious tax on foreign miners. This tax of four dollars per month per person was collected through the sheriff's office. Its burdant fell chiefly on the Chinese miners, although all foreigners not eligible to citizenship, or who had not taken out their "first papers" prior to its passage, were subject to it.¹

As deputy sheriff, young De Long became familiar with the proceedings and methods of the "courts" held by the many justices of the peace of the mountain country. Each "bar" or "flat" had its local magistrate, and a large number of disputes, particularly those concerning the possession of mining claims, came before these officials. By 1856, when he was again "keeping store" — this time at Young's Hill, near Camptonville — De Long was much in demand as an

¹ For an extensive note regarding this law see the diary for 1855.

amateur counsel, and when he failed in the store business he turned, in 1857, to an active study of law, then consisting largely in the reading of the works of well-known commentators, such as Blackstone, Kent and Chitty. Late in 1857, he presented himself before the County District Court in Marysville and was admitted to the bar, after which he continued his practice for a time at Camp-tonville, but soon removed to the county seat. Marysville was then the leading town in California north of Sacramento, and its bar possessed a brilliancy and power seldom since surpassed by that of any city of the State.

Meanwhile, after several experiences in local political circles, the diarist had been elected State Assemblyman from Yuba County in 1857. He served in this capacity for two terms, being elevated to the State Senate at the election of 1860. In politics he was originally a Democrat, aligning himself with the Anti-Lecompton, or Douglas, wing of that party. He was a friend of Senator Broderick, who is frequently mentioned in the journal, and he introduced the first Union Resolutions in the Legislature of 1861, thus precipitating the debate which definitely determined the stand which California would take in the Civil War. Stephen J. Field, Senator Douglas, Horace Greeley, David A. Broderick, Colonel E. D. Baker, these and many other well-known men, all find place in the diary. Indeed, the sidelights into the political controversies of the late "fifties," the strange "American" or "Know Nothing" movement, and the struggle to keep the State from secession are among the most interesting features of this journal, matched only by the picture which it paints of the daily life of an active youth in the early "diggings," and of the methods and procedure of early California lawyers and courts.

One of the chief points of interest is the intimate insight given into the development of this youth from an almost illiterate boy, working in the rough mining camps of the "49ers," to the polished and mature man of the world and lawyer who was a leading delegate to the Republican National Convention which nominated General Grant for President, and who went to Japan as his country's Minister. What heights this able and ambitious man might have attained had he not fallen before a sudden illness in 1876, at the age of but 44, cannot be measured, but assuredly the future was bright before him.

In 1862, after a political defeat, and after the great flood of the preceding winter, which had rendered Marysville an unprofitable field for the practice of law, De Long went to the new mining center of "Washoe," and for a number of years enjoyed a lucrative practice at Virginia City and other important silver "camps." He was a member of the Nevada State Constitutional Convention and a few years later came within one vote of being made United States Senator from that State. In 1862 he married Miss Elida Vineyard, youngest daughter of Colonel James R. Vineyard, of Fort Tejon and Parks Bar, a well-known early day character. Another Vineyard daughter, Caroline, married Ninian E. Whitesides, and a third, Nellie, married Mat Woods, of Marysville. Whitesides was speaker of the Assembly during De Long's first term, and ran against him unsuccessfully in the State Senatorial race of 1860, while Woods was for several

terms the sheriff of Yuba County and, with Colonel Vineyard, built the first iron bridge over the Yuba River at Parks Bar. A fourth Vineyard daughter married Dr. R. T. Hays, of Los Angeles.²

This journal is not that of a Pepys. It contains no moralizing, nor is it filled with the diarist's "inner thoughts." De Long did, however, each day faithfully set down in a few words the things which he had done — together with brief impressions which often set off the picture with photographic exactness. "Tired mule, tired man," says he at the end of a long day, and we glimpse in this remark the hard, hot, dusty trails of the Yuba ridges. The leading hostelry of Foster's Bar is described succinctly as "that Hell of Bedbugs, the El Dorado"; and of a lecture by J. Ross Browne, De Long remarks, "Dull show, fell asleep." The entries for 1854 and 1855 are short and terse, growing progressively longer and more complete as the years go on.

The last entry for 1861 graphically discloses the difficult situation of California during the darkest days of the Civil War.

The last day and almost the last hour of 1861. If I live until a year from now I expect to be in my own home a husband, and I will endeavor to be much more moral and much more useful to myself and the world than I have been during the last twelve months: — This has been a very eventful year, the great civil war broke out and is now fiercely raging — a war with England is anticipated. This state has recently been deluged by one of the most devastating floods ever known, which is now subsiding today being almost the only clear day during this month. Owing to the flood our telegraphic communications throughout this State and with the Atlantic States have for some time [been] and still are suspended; the last news we received from the East leaves us with the knowledge that England will demand the release of Mason and Slidell and our feeling is *never do it*. A war with England will assuredly invite to our shores her fiercest blows. This with the 20 or 30 thousand home traitors that we have amongst us, the English possessions on the North, Indians and Mormons on the East and an unprotected sea board make us feel that if this war breaks out we Californians will have hot work. If this comes then I am a soldier, farewell then my thoughts of home and a married life — The history I write twelve months from today if I live may be interesting when compared to this of today — Let come what will the next twelve months will and must be most important to me. May they be useful, noble and worthy of a man. This I leave to the reader who in years to come may read this history and then that of the next twelve months.

Nothing non-essential is included, but equally nothing of real import appears to be hidden or omitted. This youth's mind can be read from his actions, and while he infrequently gives words to his thoughts, when he does they are of great interest, as in the entry for October 16, 1859, in which he declares:

"Walked around and talked the political future with Lewis, found that we needed a leader and had none. Now if I had money and age I could be that leader."

And two years earlier, at the close of 1857, when he writes:

Fosters Bar Mountain, Dec. 21st. 1857.

Six long years have mostly flown
Since first I trod this mountain's brow.
I came a stranger boy unknown;
A lawyer, Legislator, and a man I leave it now.
With empty purse and sorrowing heart
I came, a toiling stranger here;
Since then, with energy I've filled my part
Until honor and independence now I bear.

² A brief account of De Long's life is to be found in Oscar Shuck's *Representative Men of the Pacific*, together with an excellent portrait of De Long as he looked in maturity.

In the Legislature De Long earned the sobriquet of "California's Bantam Cock." No wonder the girls admired this small but active and ambitious person. And his many love affairs, culminating in his courtship and final marriage with the charming Elida Vineyard, form perhaps the chief "human interest" of the diary.

The very frailties of human character so mercilessly exposed to view in these pages make him the more likeable. That he was vain is plain; that he was often weak is also clear, but his escapades and frailties were those of his times and frequently we read of "good resolutions"—usually following some particularly hard night at poker, or some especially violent episode concerning the ladies.

The details of probably the first amateur theatricals in the diggin's—the "Thespian Society" of Young's Hill—appear in these pages, and in the entry for February 12, 1857, we read the spirit of the youth and picture the life of the day in these primitive camps:

Concluded to open with the Thespians, stuck up the bills and worked until dark, great excitement, opened house at 8 o'clock had quite a large house took in ninety one dollars at the door, made an address to the crowd, com[mence]d and everything went off to the highest kind of satisfaction, crowd delighted with us, rece[ive]d a thousand compliments had a little dance on the stage and after the ladies went home a free and easy in the Green Room until 2 o'clock.

The mines were not without their tragic side. Witness the entries for March 2 and 3, 1857:

March 2—George Wilcox buried at the bottom of a 60 foot shaft in a tunnel while engaged in tapping it. James Rankin was with him and washed clear through the tunnel; George Timms in an adjoining claim [was] caved on but escaped,—all hands quit work to assist in getting out the body of Wilcox—worked until night without success had to wash tons of earth which passed over his body.

March 3—All hands still working to get George out; half masted the flag and made preparations for his funeral, about two o'clock they succeeded in getting him out; four men on a windlass and 20 men on a rope could not pull one foot out; brought him up and buried him in the afternoon, large procession, nearly everybody in town followed him to the grave, returned and in the evening held a meeting and drew up resolutions and a preamble to be published here and at home, I was Secretary, raised \$15 to pay the Minister.

But the brighter, rougher side soon crops out again, for in the entry of March 14 of the same year, we read:

"Went to a dance with some Dutch minstrel girls and it ended in a drunken spree which kept up until 2 o'clock, and ended in one of the girls getting spanked by Harve Beckwith."

That the diarist expected that his journals would be read by others in later years is disclosed in the crude "poem" with which he closes the year 1857:

Kind stranger if within you cast your eye
Deem not the record of my life quite dry.
Unfitting theme it well may prove
As no adventure in the paths of Love
Is here recorded as a theme
For poet's muse or reader's dream,
But uncouth history of a life of one
For eight long years a wanderer from home,
Stranger alike to home and all its joys
A humble student of my country's laws.
But then perchance kind reader you may find
Something within that's pleasing to your mind.

At least what's here's the truth; and truth they say
Is a rare jewel, rarely found at this late day
I think I hear you say the greater shame
That any man should have such record to his name
But hold kind reader every one has faults
The prouder man the higher his ambition vaults
And if he fails; oh what a fool all cry
That he the dunce should such an effort try.
But if he gains; all join in one acclaim
We knew he would, oh what a smart young man.
Thus is it with the world if success attend your ways
Fear not for friends you'll have thru all your days

The spur of ambition led him forward. On the flyleaf of the diary for 1859 we find a clipping under the heading "Sister Ada" (one of the Singer girls of Marysville):

Thou wilt choose the path of fame
And barter peace to gain a name,
But when honors most increase
Thou wilt mourn departed peace.

And under it in De Long's handwriting:

Sister tis true, such is my aim
To wed for life the Goddess Fame.
Till won; none other will I know
Though all of life should be but woe.

But even he finally succumbed to feminine charms, and his description of his wedding is delightful. The Legislature had moved to San Francisco to escape the flood which had inundated Sacramento, and the wedding took place in the new Russ House, the pride of the Bay city.

In the evening an immense assemblage collected. Messrs. Harvey, Lewis, Merritt, Pacheco, Parks, Jackson, Christy, Warfield and Oulton acted as Groomsmen with Misses Mary and Pauline Hoge, Miss Lessack, Fanny Harris, Miss Jenny Bigler, Miss Hoff, Miss French, Miss Parker and Miss McIntyre — We were married in the parlor of the Russ House, in the center of a countless throng of brave men and fair ladies — by the Right Rev. Bishop Allemany, we then repaired first to our own room and then to the Dining Hall and received the congratulations of the hundreds present; and concluded by a splendid dance and singing by Miss O'Keefes and Miss Estelle Bollam [?] and thus continued until nearly morning when the bride retired under the care of Miss Harris and Mrs. Buchanan.

The great worth of this diary at the present day is its picture of the times — of men and things in the California of that "middle period," from '54 to '63. The life in the mines toward the close of the first flush placer mining period; the practice of law during those rough early days; politics and the Legislature; the flood of '61-'62; the steamboat trips; the little incidents that give flesh and blood to the men and women of those times — these are the things that make this diary stand out as unique in California history. Through the disjointed and seemingly haphazard patchwork of short and often unrelated entries there is revealed a man and a period, and one closes the diary with the feeling of knowing this youth more intimately than one does one's own living associates; of meeting and becoming acquainted with his friends and companions, and of picturing the life of the times more vividly than could be done through the pages of any mere historian.

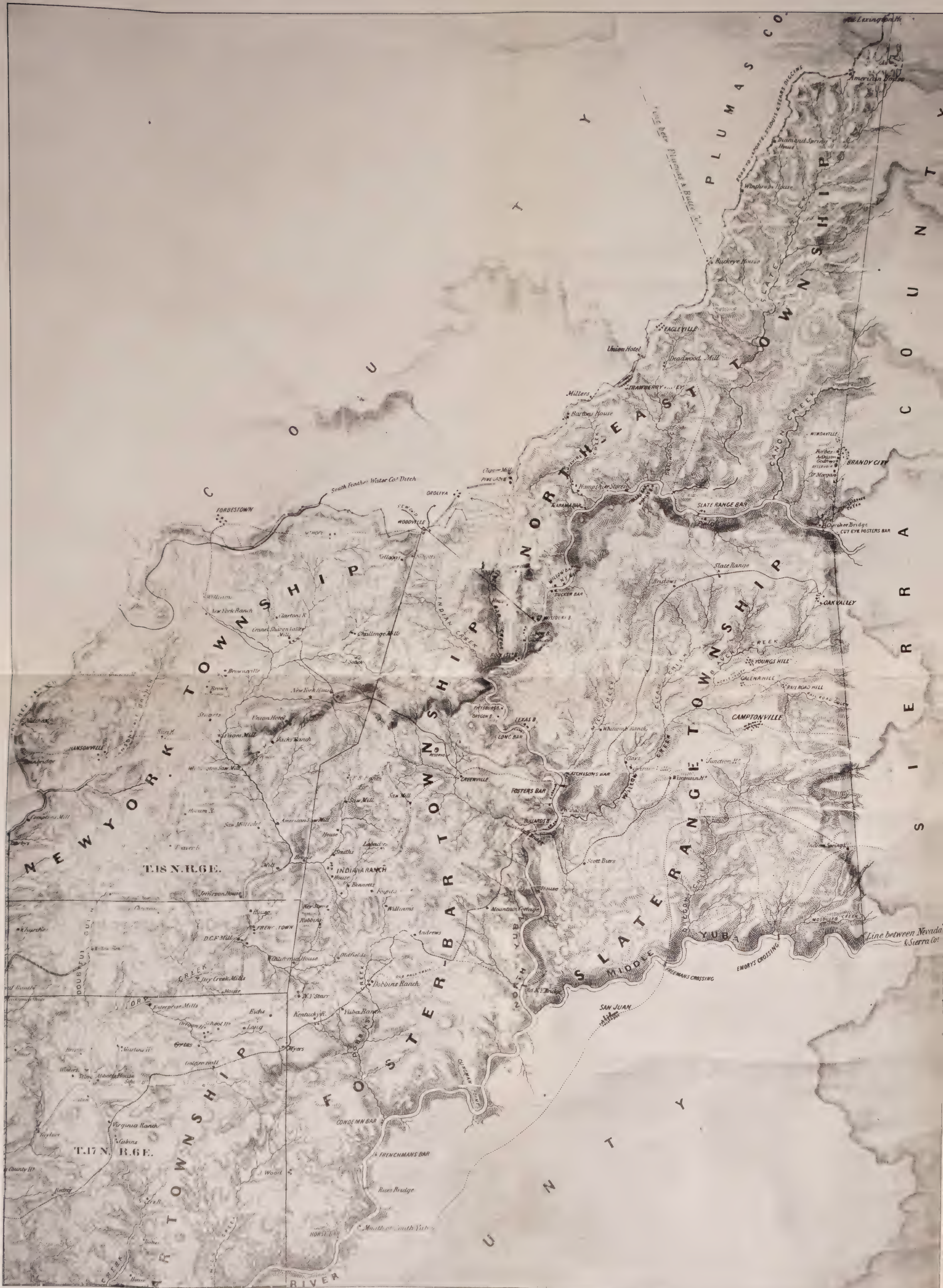
The reader should perhaps be cautioned against any false expectation of a "story" in these pages. This is human life — as it is — not the architecturally

trued, perfected and unified structure of the novelist. Read thus as "human life," however, the diary possesses a strange fascination, and discloses in a powerful manner the operation and interplay of those restless and resistless forces which we sometimes call "fate." When so considered, these disjointed entries weave themselves into a picture far more interesting than any "story." They are no mere similitude; they are the life itself of this young man. They are here faithfully set forth, and as far as possible De Long's orthography and punctuation are closely followed.

The thirteen worn little black leather-covered books containing this diary are in the possession of De Long's grandson, Richard E. Savage, a civil engineer of San Francisco, who saved them from destruction in the fire of 1906, and through whose courtesy the California Historical Society is enabled to publish this work. Mr. Savage has also rendered much valuable assistance in gathering material for notes and illustrations and his suggestions have been most helpful. To his mother, Mrs. Lilian De Long Savage, and his aunt, Mrs. Maude De Long Pringle, thanks are also due for many courtesies and the use of important family records. Thanks are also due to Monsignor Charles A. Ramm of San Francisco, William B. Meek of Camptonville, Jason S. Meek, Richard Belcher, and Edward B. Stanwood of Marysville, and Miss Eudora Garoutte and Miss Caroline Wenzel of the California State Library at Sacramento.

Although a small account book contains some desultory entries connected with the store owned jointly by De Long and Kessler in 1853, the journal — as such — begins with the next year. Late in December, 1853, De Long had gone down to the valley on a business trip, and on January first, 1854, we find him en route back to the diggings. Let him now speak for himself.

CARL I. WHEAT.



NORTHEASTLY YUBA COUNTY
 A portion of the Official Map of Yuba County, of 1861, prepared by N. Wescoatt, then
 County Surveyor, from the copy now in the possession of Jason Meek, present
 County Surveyor, through whose courtesy it is here reproduced.

DIARY OF CHARLES E. DE LONG 1854*
JANUARY 1854

[Notations on flyleaf]:

Kessler & De Long's Diary.

Matawasco, on St. John's River Canadian French votes.

Speech delivered by Dr. Lippincott at Bullard's Bar, 4th July.

Sun. 1, — On the River near Hock Farm¹ arrived in Marysville arrived at Adrians Rancho² had New Years Supper in Co with P Comstock

Mon. 2, — Left for San Juan³ took Dinner at the Empire Rancho⁴ arrived at San Juan.

Tue. 3, — Still at San Juan Saw W Fonda gave him 15 tickets

Wed. 4, — Still at San Juan nothing doing settled up our Bills.

Thu. 5, — At San Juan discharged Bill Foy

Fri. 6, — Left for Hess Crossing⁵ sold out the Shop &c to Kintze arrived safe spent the afternoon in hunting Ranches had a great time.

Sat. 7, — Still at Hesse's. Kessler⁶ went to Camptonville,⁷ saw the Boys. the claim \$200.00 in Debt. Kessler came back all right.

Sun. 8, — Started out collecting went to Sweetlands⁸ Everitts⁹ Martin & Co's & Weib & Beechers staid all night at Well's played for Eggs

Mon. 9, — Went to San Juan took Dinner at Kintze's came over to night and am now at Hesse's Horse some lame

Tue. 10, — Came up to Bogardus'es Rancho¹⁰ took Dinner left the Horse on the Ranch came up to Camptonville put up at Garseys, Kesler stopped with Sims

Wed. 11, — Started for Texas Bar¹¹ came down in company with Capt Gardiner Stop[p]ed all night with Northrup in Marty's Cabin

Thu. 12, — Came up to Camptonville with John Edwards Raining hard took Dinner at Bogarduses

Fri. 13, — Still at Camptonvill[e] Raining very hard our sluices all filled up By the Bank caving

Sat. 14, — Started for San Juan with my horse & Jack arrived safe snowing & hailing & very cold arrived safe at Kintz[e's]

* So far as we know this was the first year in which De Long kept a journal. The entries for 1854 are extremely short and terse, and this portion of the journal is therefore not as important, historically, as are the later journals. However, it is of import because of its picture of the restless life of a youth in the diggings, and as a background for De Long's later life. A brief résumé of his principal activities during the year follows.

January 1, 1854, finds De Long *en route* north on the Sacramento River. On the 3rd he arrived at North San Juan, and on the 6th he and Kessler sold their store there to one Kintze, or Kentz (*cf.* Bean, *History and Directory of Nevada County*, 1867, pp. 335-36). On February 23 he started with a party for Placerville, *via* Sacramento, and returned on March 13. On March 22 he commenced clerking for J. B. Whitcomb at The Eldorado Hotel on Foster's Bar, leaving off this work on June 1. For a time thereafter he stayed at Railroad Hill, Galena Hill and Camptonville, and on June 24 he started electioneering for the office of Constable of Foster's Bar Township, being defeated at the election of September 6. During this time he was evidently clerking in a store at Foster's Bar. (See entry for September 17.) On October 7 he agreed to start a saloon on Oregon Hill with Frank Davis, and they opened the "Fairy Saloon" on November 22. One week later it was "smashed by a tree," and on December 6 the boys tried it again, opening the "Citizen Saloon."

Sun. 15, — Still at San Juan took Dinner with Bicknell. Snowing almost all day very cold.

Mon. 16, — Still at San Juan Snow about one foot deep. wrote a long letter to Mary Sent the pony down to the Ranch by Woodward

Tue. 17, — Still Snowing very hard Doct.....[?] & had a great game of poker seven up monte & Faro

Wed. 18, — Still snowing severely, snowed all evening.

Thu. 19, — Clear & Cold the snow about 2 feet deep on the level

Fri. 20, — Still clear & cold the coldest night I ever saw in California potatoes all frozen

Sat. 21, — Went out hunting with Steiff & Anderson remained nearly all day killed nothing, got parted Anderson & I fell in with an Indian Rancheria.¹²

Sun. 22, — The weather moderated very much stayed in doors nearly all day.

Mon. 23, — Raining fine Woodward leaving for the States¹³ wrote to Helen¹⁴ went out hunting with Steiff & Comstock killed some quails

Tue. 24, — Raining hard the snow fas[t] melting.

Wed. 25, — Cloudy but not raining much

Thu. 26, — Fair & Pleasant Sol[d] the Jack for \$65.00

Fri. 27, — Started for Camptonville came up in Co with Dr Weber¹⁵ saw the boys put up at Garseys

Sat. 28, — Made up my mind to go to Sonora bid the boys good bye left the claim with Kessler. Started for San Juan brought the Express got lost in the woods made out to get home about two hours after dark.

Sun. 29, — Went to Martins Ranch,¹⁶ Peter Comstock & George Whitman.

Mon. 30, — Went to Asitts sued Martin & Co. deposited \$40.00 Pat Boyle bondsman

Tue. 31, — At San Juan still nothing doing traded my gun for a Revolver with John Bicknell

FEBRUARY, 1854

Wed. 1, — Still in the old Port went to Barlows & spent the day in running [?] Balls and shooting with the Revolver.

Thu. 2, — Bill Foy came over paid the note \$47.00 helped Bicknell & Co in their claim

Fri. 3, — Spent the day in running around the hill and looking at the diggings

Sat. 4, — Went to Adsits to attend the suit but it did not come off owing to neglect in serving the papers

Sun. 5, — Raining very hard all day had a ball this evening the music consisted of a Violin and Cornopian.¹⁷

Mon. 6, — Raining hard all day.

Tue. 7, — Clear & fine. went to Adsits obtained judgment. Attended a riot looked serious but turned out nothing. James Pullman came down

- Wed. 8, — Pullman went below¹⁸ with Mr Woodward
 Thu. 9, — Still at San Juan nothing doing
 Fri. 10, — Raining hard dull times
 Sat. 11, — Raining in the forenoon & snowing in the afternoon. had a show Ventriloquism &c by Professor Belknap¹⁹
 Sun. 12, — No Excitement.
 Mon. 13, — Worked all day in the Gold Cut for fun and to get used to it
 Tue. 14, — Done the same to day as yesterday very cold weather
 Wed. 15, — Kintz's property all attached Mr Merrill up from Mary's-ville Martin & Co paid me in full
 Thu. 16, — Kintz went below in Co. with J Stafford²⁰
 Fri. 17, — Started for Fosters Bar²¹ 3 Deers on the road and any number of squrrils went to Stony Bar²² and Camptonville.
 Sat. 18, — Came down to San Juan brought the Express
 [No entry for Sun. 19 or Mon. 20.]
 Tue. 21, — Made preparations for leaving. raining
 [No entry for Wed. 22.]
 Thu. 23, — Started from San Juan on foot walked to Deer Creek house²³ stayed all night in Co with Mr Marvin [?]
 Fri. 24, — Walked to the Empire Ranch then got a ride in²⁴ arrived safe saw S Bliss & W Fonda²⁵
 Sat. 25, — Started for Sac City²⁶ on the J Bragdon²⁷ in Co with Northrup spent the Night in Co with Frank Drake.
 Sun. 25, — Saw Mr. Carlisle & Batchelder²⁸ they are a going with me to Hangtown²⁹ to morrow staying all night in Washington³⁰ with Carlisle
 Mon. 27, — Started out severe storm of rain & wind set in stopped all night at the Prairie house³¹ about twenty five miles from the city
 Tue. 28, — Commenced our journey took Dinner at the Planters Hotel passed through Mud & Diamond Springs & Coon Hollow³² arrived in Placer-ville³³ put up at the Eagle.

MARCH 1854

- Wed. 1, — Left for Georgetown³⁴ crossed at Chilean Bar³⁵ took dinner at Kelseys³⁶ passed through Spanish Flat³⁷ and so up arrived at Georgetown and saw A D Brill
 Thu. 2, — Visited Marmeluke Hill³⁸ and A D Brills diggins spent the afternoon there in pan[n]ing out pitching quoits &c rooled ten pins in the evening with A D B
 Fri. 3, — Started for Coloma.³⁹ arrived safe spent the day around town at Sutters Mill and witnessed the trial of James Logan for the murder of Edward Fernal. Guilty.
 Sat. 4, — Left for Sac City went to Granite Creek⁴⁰ from there down took dinner at the Pleasant Grove⁴¹ stopped all night at the Willow Springs Hotel.⁴²

Sun. 5,—Started on our journey took dinner at Pattersons arrived safe in the City crossed the river and put up in Washington.

Mon. 6,—Spent the day in running around town got parted from the boys. Stopped Carlisle from going to the Bay

Tue. 7,—Carlisle went down to the Bay. Batchelder and I crossed the river and took lodging at the New [?] Sacramento Hotel⁴³

Wed. 8,—Ran around town went to the Capitol⁴⁴ and heard the Senators and Assemblymen Spout out some of their superfluous Gas.

Thu. 9,—Found Charley Woodman. I hard up and nothing to do joined in with him and we loafed around in Co. Chinese Women quite a fancy

Fri. 10,—Still in town. Carlisle got back saw Cha^a Daniels went around to find Senator Stebbins⁴⁵ did not find him

Sat. 11,—Took passage on the Gov Dana⁴⁶ had a pleasant time in Co. with Daniel Dean Mike Grey Sheriff⁴⁷ and Eli Lathrop arrived safe in Marysville

Sun. 12,—Put up at the Tremont Hotel^{47a} saw Judge Bliss Chas Ball and all the rest of the Boys.

Mon. 13,—Running around doing nothing and seeing no new faces

Tue. 14,—Still in Marysville

[No entries from March 15 to 21, inc.]

Wed. 22,—Commenced clerking for J B Whitcomb⁴⁸ on Fosters Bar

[No entries from March 23 to April 18, inc.]

APRIL 1854

Wed. 19,—Commenced Raining hard.

Thu. 20,—Pouring in torrents and quite cold in the evening built fires and shot Geese still pouring down

Fri. 21,—Raining hard and still colder.

[No entries from April 22 to May 2, inc.]

MAY 1854

Wed. 3.—Rode the Express up to Downieville⁴⁹ for Rumrill & Co.⁵⁰ in Co with John Gear⁵¹ came near throwing a Lady off the road into the river arrived safe very warm.

Thu. 4,—Came back in Co with Gear came up the winding steps on Good Years Hill⁵² took dinner at the Negro Tent⁵³ arrived at Fosters in good order 5 hours on the road

Fri. 5,—Resumed my duties in the Hotel

Sat. 6,—Commenced raining in the morning now snowing as fast as it can fall. turned into rain but very cold and disagreeable

Sun. 7,—The weather today is *variegated*, red white & Blue, or otherwise. Hailing Snowing & Raining by turns and as cold as blazes.

[No entries May 8 to May 31, inc.]



UPPER: HANGTOWN, OR PLACERVILLE, IN 1856

LOWER: COLOMA IN 1857

From lithographs by Kuchel and Dresel, reproduced through the courtesy of California State Library, Sacramento.

JUNE 1854

Thu. 1, — Left off clerking for Whitcomb. cold as winter. played Billiards almost all day

Fri. 2, — Came up to Camptonville looked at my claim things looked very encouraging came from there to Galena Hill.⁵⁴ went back to jump a claim with a man by the name of Thompson [?]

Sat. 3, — Came back to Galena saw George Carlisle he concluded me to stay until something would turn up.

Sun. 4, — Left the Miners home and commenced Boarding at the Galena House^{54a} with C Caven and the rest of the boys

Mon. 5, — Went to Youngs Hill⁵⁵ saw D O Adkinson⁵⁶ talked with him about putting in a tail sluice Came back this afternoon

Tue. 6, — Went to Railroad Hill⁵⁷ with Bur Caven^{57a} introduced to Mr Pleasants Dagerrean Artist picked a large handsome Bouquet

Wed. 7, — Went all over the diggins and to Weeds Point⁵⁸ and back with a man by the name of Brown from N Y George Whitman arrived strapped

Thu. 8, — Done nothing of consequence and saw about the same

Fri. 9, — Rec[eiv]ed a letter from home the first one that was half decent since Jim got there.⁵⁹

Sat. 10, — Had a talk with Mr Nuckles about starting an Express⁶⁰ agreed to start one as soon as convenient.

Sun. 11, — Carlisle and Nuckles went to Youngs to see about the sluice report favourably.

Mon. 12, — Went to Youngs Hill saw D O Adkinson bargained with him and Mike pay \$400.00 for their tailings where it comes out. Thunder Shower

Tue. 13, — Went to Camptonville saw Pleasants came over with him. Seely sold out for \$1500.00 cash

Wed. 14, — Stayed on the hill all day, had a long talk with Old man Irwin. Worked all day long in the Co^s Claims.

[No entry for Thursday, June 15.]

Fri. 16, — Worked in the afternoon for George Carlisle in the Co's claims

Sat. 17, — Worked all day for him. G. E. Noxon⁶¹ arrived. Reced a letter from Mrs. Charles E. De Long⁶²

Sun. 18, — G E Noxon sick went over to see Doct Weber. Gove came up and wanted me to go down and tend Bridge at Bullards⁶³

Mon. 19, — Spent the day in taking care of Gill he is quite sick with fever and ague

Tue. 20, — Went to Youngs Hill with George Carlisle prospected the creek

Wed. 21, — Went to Fosters saw Dr Lippincott.⁶⁴ Came back to Camptonville saw Fred Barnard & Whitesides boys⁶⁵ from Galena Hill over had a ball. a good thing

Thu. 22, — Returned to Galena Hill busied myself in shooting Robins for Gill and writing to Mr. & Mrs. De Long of Utica.

Fri. 23, — Went to Youngs Mill saw D O Adkinson & Co. made all right about the tailings

Sat. 24, — Peter Zimmerman and I went to Camptonville adjourned the Convention⁶⁶ had things all our own way Gates, Porter, Vance & I delegates G. E. N. got tight as a brick

Sun. 25, — Bid the boys good bye after going to Youngs Hill, and came down to Fosters, saw Lippincott answered J. R. D. L's⁶⁷ letter about Shanghaies &c.

Mon. 26, — Came down to the Bullards Bar Bridge again stopped all day

Tue. 27, — Still at the Bridge with Mr. Varnum

Wed. 28, — Still here received a letter from G E Noxon, requesting me to find him work

Thu. 29, — Still here. Lathrop over here from San Juan

Fri. 30, — Still on hand B P Hugg⁶⁸ electioneering with me pretty strong

JULY 1854

Sat. 1, — Stopped here until evening then went up to Fosters to prepare for the Convention⁶⁹

Sun. 2, — Went down on mule back, had a great time Tompkins^{69a} infuriated. was nominated to the State Convention [This perhaps belongs under July 1.]

S. C. TOMPKINS, NOTARY PUBLIC, CONVEYANCER,

SEARCHER OF TITLES

—AND—

General Land Agent, D STREET,

WEST SIDE, 2D DOOR FROM THIRD ST., MARYSVILLE.

From an advertisement in the Marysville City Directory for 1857.

Mon. 3, — There is a mistake in the last two days Journal. I am now at the Bridge G E Noxon here told him I did want him to come again in three weeks.

Tue. 4, — One of the Warmest days. marched up again to Fosters with the B B Guards.⁷⁰ In the Evening attended a ball on the Bar

Wed. 5, — Did not get home till daylight. Slept the most of the day awfull warm

[No entries for July 6, 7, and 8.]

Sun. 9, — Paid Bill to Hanly Still at the Bridge very warm.

Mon. 10, — G. E. Noxon returned and said he could not find any work & had hired out to Dr. Robinsons show⁷¹

Tue. 11, — I endeavored to prevail upon him to desist, but of no use, told him I would write to his Father, said he did [not] care a d——d but did not want me to write to his wife.

[No entries July 12, 13, and 14.]

Sat. 15, — Erwin came down from Galena Hill I paid him \$80.00 on act of claim. G Carlisle on a

Sun. 16, — Erwin again came down I then paid him the ball \$220.00 took a receipt and bill of sale of him. the very warmest kind of weather

Mon. 17, — Thermometer ranged 112° in the shade in Marysville

[No entries from July 18 to 22, inc.]

Sun. 23, — Went up to Camptonville to attend a meeting of the Co. in regard to bringing in water for ourselves. met all of the Galena Hill boys. came down with Erwin a going home.

[No entries for July 24, 25, and 26.]

Thu. 27, — Paid Doct Lippincott \$30.50 in check Dan Dean sent me for my horse, viz \$30.50 I realized for a horse that cost me \$75.00

Fri. 28, — John Porter came down with invitations for a ball; declined going

[No entry for July 19.]

Sun. 30, — Peter Kesler came down and I paid him \$30.50 on account.

[No entries for July 31 and August 1 to 5, inc.]

AUGUST 1854

Sun. 6, — Varnum went to Marysville. Dutch Bill killed Owen Donnelly men out in hot pursuit. James Hopkins here

Mon. 7, — Owen still alive was despaired of men in all directions after the Murderer. Dick & Peter Carrigan stopped here with me to catch him.⁷²

[No entries for August 8, 9, 10, and 11.]

Sat. 12, — Pledged James R's⁷³ health all by myself. Bought dust of Indians & Chinamen. Varnum got back. Went up to Foster's played Billiards with Benj Hugg. Draw Poker &c for Whiskey. Stafford died.

Sun. 13, — Attended the Funeral of Mr Stafford at Fosters Bar in co with Frank Davis.⁷⁴ took a cup of Health with Mr Wilder & Mr Varnum. Warm and pleasant a rather dull birthday.⁷⁵

[No entries from August 14 to 27, inc.]

Mon. 28, — Went up to Stony Bar made a stump speech against Adkinson & Poynter. Pony Peter & Dick Dorsey were up.

[No entries from August 29 to September 3, inc.]

SEPTEMBER 1854.

Mon. 4, — Went up to Stony Bar with Dick Dorsey. Stopped at Throwers [?] Reced two letters and two papers from Mrs. C. E & Mr J. C De Long of Utica.

Tue. 5, — Went all over the Bar and saw all of the boys, got ready for Election filled out Tickets⁷⁶ had my friends upon the alert &c &c.

Wed. 6, — A Busy Day, and good luck reced 122 votes, more than any other candidate for any other office, 90 votes on Stony Bar slate.⁷⁷

Thu. 7, — Stayed till noon and then came home all used up.

[No entry for Friday, September 8.]

Sat. 9, — Busy as a Bee writing letters

Sun. 10, — Wrote to Mr Grey. Busied myself with writing letters all day

Mon. 11, — To Day the sun shines bright and all seems merry as a marriage bell.

[No entries from September 12 to 16, inc.]

Sun. 17, — Store full of Kanakas, Spanish, Indians & Negroes & Chinese. Buying their Dust⁷⁸ and trying to jabber their language.

[No entries from September 18 to October 3, inc.]

OCTOBER 1854

Wed. 4, — Reced three letters from Poughquag,⁷⁹ one from Miss M. E. N.⁸⁰ one from T. D. C. and one from J. R. D. L containing the news of the death of Mother.

Thu. 5, — Quite cool and cloudy set in showering just at dark and continued quite severe until bed time.

Fri. 6, — Cloudy & Cool. the river rose to day so that the U. S. Co. cut away their dam.

Sat. 7, — River falling. U. S. Co. Repaired their dam expect to go to work tomorrow. Quite cool! F. Davis and myself concluded to start a house on Oregon Hill.⁸¹

Sun. 8, — Gave Frank \$50.00 to commence operations with. Rainy, Cold, and Cloudy

Mon. 9, — Quite a heavy rain cold and disagreeable.

Tue. 10, — Weather the same. Fred Bernard just arrived from the Plains G. E. Noxon here.

[No entries for October 11, 12, and 13.]

- Sat. 14, — Lansquinet on the square. Varnum returned from Marysville G E Noxon tight paid 3 for him
- Sun. 15, — Gave Frank Davis \$30.00 more for the house.
[No entries from October 16 to 20, inc.]
- Sat. 21, — Paid Posey \$15.00 on act. Shot at a mark almost all day
G E N Nels Johnson and I
- Sun. 22, — Gave Frank Davis \$100.00 on Company act.
[No entries October 23, 24, and 25.]
- Thu. 26, — G E N started for Prospect Hill gave him five
[No entries for October 27 and 28.]
- Sun. 29, — Attended Mrs Goodenows Concert.⁸² grand crash[?] of the United States. found a ring got tooth extracted &c &c.
- Mon. 30, — Mahalas scarce.
- Tue. 31, — Fisher returned from Galena Hill discouraging news claim over one thousand dollars in debt.

NOVEMBER 1854

- [No entry on November 1.]
- Tue. 2, — Went up to Fosters to get some money from Carlisle failed
Reced \$50.00 from Frank Davis on account.
[No entries from November 3 to 16, inc.]
- Fri. 17, — Went to Marysville Bought Stock at Reynolds & Bros
- Sat. 18, — Stopped all day in Marysville
- Sun. 19, — Came up to Dobbins Rancho⁸³ in Co. with Rice & other Packers had a great time
[No entries for November 20 and 21.]
- Wed. 22, — Open Fairy Saloon.
- Thu. 23, — Fine day weather business dull
- Fri. 24, — Gave a Ball sold 45 tickets Dan Foley gave supper
Noxon got tight.
[No entries for November 25 to 28, inc.]
- Wed. 29, — Saloon smashed in by a tree and two men behind the Bar no one hurt
- Thu. 30, — Gathered up the remains and prepared to go below⁸⁴ Noxon left on a drunk.

DECEMBER 1854

- Fri. 1, — Went below with Bill Finch and Erma, singing &c stopped at Ohio Restaurant over night
- Sat. 2, — caught cold had stiff neck bought goods
- Sun. 3, — Returned home
- Mon. 4, — Went at work fitting up.
[No entry for Tuesday, December 5.]
- Wed. 6, — Opened Citizen Saloon, dry weather and business dull
[No entries from December 7 to 12, inc.]

Wed. 13, — Dry and dull.

[No entries December 14 to 17, inc.]

Mon. 18, — Dance at Dingman's invited the Saw Mill beauty to attend a Ball with me at Strouds,⁸⁵ — Miss Hammon.

[No entries December 19 to 22, inc.]

Sat. 23, — Debating night, gained the debate and left for Fosters to attend a supper given by Senator Lippincott

Sun. 24, — Had Oyster supper and plenty of Whiskey. wrote to Mrs. De Long & M W Noxon, sent my daugerrototype [sic] to Utica.

Mon. 25, — Attended a Ball at R Strouds took the Goddess of Liberty there through the brush and returned before daylight.

Tue. 26, — Spent a blue day, all hands on a tight.

[No entries for December 27 or 28.]

Fri. 29, — Went to White Maple Springs⁸⁶ to a Ball afoot 4 miles

Sat. 30, — Came home in the morning mighty cold

Sun. 31, — Commenced raining rained all day nothing doing but drinking

[TO BE CONTINUED]

NOTES TO THE JOURNAL OF CHARLES E. DE LONG FOR 1854

The following abbreviations are used in citing certain frequently mentioned sources:

T. & W., *Yuba County*—Thompson & West, *History of Yuba County*, Oakland, 1879.

T. & W., *Nevada County*—Thompson & West, *History of Nevada County*, Oakland, 1880.

Sioli—Sioli, *History of Eldorado County*, 1883.

Meek—William B. Meek, of Camptonville, himself a mine of information on the early days of Yuba County (from interviews).

Byrd—Thomas Jefferson Byrd, last of the "forty-niners" in the Yuba "diggins" (from interviews in 1924 when Byrd was 93 years of age).

Labadie—F. S. Labadie, son of the pioneer, Peter Labadie, of Indiana Ranch, and proprietor of the "Hotel Francis" at Camptonville.

1. For an excellent contemporary drawing of General Sutter's noted country house, see this *Quarterly*, Vol. VI, No. 3, 1927, facing p. 239.

2. This was a ranch about eight miles northeast of Marysville on the old Grass Valley road. It was located on the north bank of the Yuba River just west of the "Swiss Bar" of early mining days.

3. North San Juan, a flourishing mining town situated near the western end of the "San Juan Ridge" between the South and Middle forks of the Yuba River. Just north of the town is the great gorge of the Middle Yuba. Rich discoveries were made in this region by Christian Kientz, John S. Stidger and others in 1853, and many miners soon appeared, but in 1880 the historians of Nevada County could find no explanation for the town's name, though the word "North" was added in 1857 when a post office was created at this point. This was to distinguish it from the other San Juans of California. In the heyday of hydraulic mining during the 'sixties and 'seventies the town contained close to a thousand inhabitants. (T. & W., *Nevada County*, pp. 60-61.) See also Bean, *History and Directory of Nevada County*, Nevada, 1867, pp. 335-36, for an interesting account of North San Juan.

4. Empire Ranch—a famous early-day road house and hotel about one-half mile above the later Smartsville on the road to Rough and Ready and Grass Valley, and near the



UPPER: DOWNIEVILLE IN 1857

LOWER: NORTH SAN JUAN IN 1856

From lithographs by Kuchel and Dresel, reproduced through the courtesy of California State Library, Sacramento.

forks which led to North San Juan. A "hotel" of a sort was opened at this point in the winter of '49 by a Mr. and Mrs. Berry, and in 1851 Thomas Mooney established a trading post and hotel. For an account of Sunday at the Empire Ranch in the earliest period see T. & W., *Yuba County*, p. 83. An immense barn of very early date still survives at this point.

5. Thomas Hess built a bridge over the Middle Yuba at the foot of the grade from North San Juan in 1851. This bridge was carried away by flood the following winter, but in 1852 Hess built another, and in 1854 sold it to Thomas Freeman, after which time the place was known as Freeman's crossing. This crossing was near the mouth of Oregon Creek, but after another bridge had been washed away Freeman moved up the river to a better location, constructing a substantial bridge in 1862 which long remained one of the landmarks of this region. (T. & W., *Nevada County*, p. 132.)

6. De Long's partner in the store at North San Juan. This was probably the Peter Kessler who lived for many years on "Rebel Ridge" below Camptonville near the Wisconsin House. (Meek.)

7. Best known of the early mining towns of northeastern Yuba County, situated on a high ridge overlooking a canyon leading to the Middle Yuba River, and being the "half-way house" on the road from Nevada City to Downieville. The old trail to "Downie's Diggins" led along this ridge, which, after certain remarkable discoveries in 1850 and 1851, was given the name "Gold Ridge." The town grew rapidly and took its name from one Robert Campton, a smith, who came in 1852 or '53. The wagon road was finished as far as this point in the fall of 1854, and in 1855 the town had a population of over 300, with 600 people in the voting precinct. (T. & W., *Yuba County*, p. 98.)

8. A small mining town midway between North San Juan and French Corral on the extreme westerly end of the San Juan Ridge. It was settled in 1850 by H. P. Sweetland as a trading post and later became the scene of large mining enterprises. (T. & W., *Nevada County*, p. 62.)

9. Probably Henry Everitt of Birchville, south of North San Juan. He still lived there in 1880. (Labadie.)

10. This was also known as the "Junction House," and is now "James' Ranch." It was located on the road from Bullard's Bar to Camptonville, some two and one-half miles below the latter point.

11. One of the many bars on the North Yuba River. Some were soon worked out, but in 1854 a large number of miners was at work along the stream. Today there remains no vestige of human habitation on most of these bars, and the lower portions of them are covered many feet deep with the detritus of later hydraulic washing.

12. These rancherias or Indian camps were thickly scattered through the Sierra foothills. The Indians were soon largely driven out, however, and but few remained by the time the early placers were beginning to play out.

13. To the "Forty-niners" the homeland in the east was thus known. Most of them came with but a temporary stay in California in view. Many actually did return to their old homes, and in the minds of the rest the thought of such a return remained uppermost for many years.

14. One of De Long's eastern relatives.

15. A somewhat itinerant physician, who in the early days lived at Camptonville and Young's Hill. (Meek.)

16. There was a Martin's Ranch on the old stage road from Marysville to Camptonville, about a mile east of Dry Creek (T. & W., *Yuba County*, p. 89), but this entry probably referred to "Martinsville" on the Middle Yuba, where Rideout & Co. built a foot-bridge in 1850. (T. & W., *Nevada County*, p. 132.)

17. This in all probability refers to a cornet, an old name for which was "cornopaeian." (*Encyclopaedia Britannica*.)

18. i. e., down the mountains to Marysville.

19. While this worthy has left no mark on history, the entry discloses the fact that even these remote mining centers were not without their amenities. Thompson & West state that a Miss Goodwin brought the first "dramatic entertainment" to Camptonville in October, 1854. (T. & W., *Yuba County*, p. 98.)

20. Stafford died on August 12, 1854. His widow later married George Mix at Foster's Bar. See note regarding this in the 1856 diary.

21. This famous bar was situated on the west bank of the North Yuba River between the mouths of Willow and Mill creeks, some three-fourths of a mile above Bullard's Bar. Fifteen hundred votes were cast here in 1850, and by local regulation no claim was allowed more than thirty feet wide on the river—it could go back up the hill as far as was desired. The town soon declined, as the placers failed, but for a number of years it was known as the roughest, toughest, place on the Yuba. Its site is now buried under close to 100 feet of water backed up by the dam at Bullard's Bar. (T. & W., *Yuba County*, p. 93.)

22. This bar was above Foster's on the North Yuba. Five hundred men labored here in the early days, and it is related that Albert Northrup kept a large hotel, at which at one time he accommodated 250 men. (T. & W., *Yuba County*, p. 94.)

23. This point remains unidentified.

24. A "ride in"—meaning "to Marysville."

25. Simeon M. Bliss was a well-known early Marysville lawyer and judge. He came to Marysville in 1851 from Pennsylvania; was a member of the Court of Sessions in 1853; County Judge 1854-58, 1868-75, and 1877-79; District Judge 1859-63. (T. & W., *Yuba County*, p. 49.) W. T. Fonda was one of the Marysville aldermen in 1853.

26. "Sac City" was an early slang appellation for Sacramento, then known as Sacramento City.

27. The *J. Bragdon* was one of the best known of the early steamers plying on the Sacramento River.

28. A. J. Batchelder kept a store for many years at Foster's Bar, and later was Public Administrator of Yuba County, and a member of the Legislature.

29. The soubriquet "Hangtown" was applied to Placerville from the hanging, by a mob in 1849, of two Frenchmen and a Spaniard. They were hung from an oak tree at the corner of Main and Coloma streets. (*Directory of the City of Placerville*, 1862, pp. 11-12 and slip of "Explanation.")

30. A town in Yolo County across the river from Sacramento, named by Mrs. James McDowell in 1850 after the death of her husband in a boundary quarrel. The town was an important point prior to the construction of the railroad bridge across the river. From 1851 to 1857 and again in 1861 it was the county seat. (DePeu, *Hist. of Yolo County*, 1879, pp. 74-75.)

31. The Prairie House was about four miles southwest of Folsom.

32. Mud Springs was the name of El Dorado before its incorporation as a town on January 1, 1856. It was one of the earliest mining camps in El Dorado County. (Sioli, p. 203.)

Diamond Springs, a town three miles west of Placerville, took its name from a group of beautiful springs used by ox-team emigrants during the early days. They were located on ground later mined out in the center of the town which later sprang up at this point. (Sioli, p. 205.)

Coon Hollow was the name of the valley traversed by the old emigrant road about a mile below Placerville.

33. Placerville, the "Hangtown" of '49, was settled late in 1848 under the name of "Old Dry Diggings." It was one of the richest mining communities of the gold rush period, and its location on the old emigrant road and the later highway to "Washoe" gave it immense importance, although the yield of neighboring placers fell off rapidly after 1856. (Sioli, pp. 209-10.)

34. Georgetown was an important early-day mining camp, situated on a high ridge between the South and Middle forks of the American River. It was settled in the summer of 1849 by one George Phipps, from whence its name. The "Georgetown Cutoff" road, opened in 1850, offered an opportunity for the overland emigration to pass this way. It became the main distributing point for all the rich placer country above Coloma.

35. Chilean Bar, or Chile Bar, was directly north of Placerville on the South Fork of the American River. A bridge was erected here at an early day.

36. The old town of Kelsey was on the elevated plateau above the South Fork of the American, about seven miles N. E. of Placerville. It took its name from the same man who lent his name to Kelseyville in Lake County, and was an important mining center. (Sioli, p. 191.)

37. Spanish Flat was a town on the stage road from Placerville to Georgetown about six miles south of the latter, the name being derived from the fact that a party of Spaniards worked the first rich diggings at this point. (Sioli, p. 191.)

38. A mistake of the diarist for "Mameluke Hill," an important early mining camp about a mile N. W. of Georgetown. Diggings were opened at this point in 1851. (Sioli, p. 191.)

39. The site of the discovery of gold by James W. Marshall in January, 1848. It is located on the South Fork of the American River in a pleasant valley surrounded by high ridges. Here Marshall erected the mill for Sutter in the millrace of which the gold was first found. It was a most important mining center for several years thereafter.

40. The old trail south from Coloma wound up the canyon of Granite Creek.

41. This was a hotel about one mile west of Green Valley on the old Coloma trail.

42. The town of Folsom was first known as Willow Springs. A. D. Patterson resided at a point about half way between this point and Sacramento. See entry for March 5.

43. The Sacramento Hotel was located at 73 K Street. (1853-4 Sacramento Directory, p. 107.)

44. The Legislature and other state officials moved to Sacramento from Benicia on February 28, 1854, amid great rejoicing and much oratory, and on the first of March — just a week before De Long's visit — the legislators convened in the Sacramento court house at Seventh and I streets. This building was destroyed in the great Sacramento fire of July 13, 1854. (*California State Blue Book*, 1907, p. 687.)

45. James G. Stebbins was State Senator from Yuba and Sutter counties in 1854.

46. Another of the well-known early river steamers. In April, 1850, it made its first trip up river from Sacramento and was welcomed at Marysville with great rejoicing. In 1870 the vessel was still making the Sacramento-Marysville run under the ownership of the California Steam Navigation Company. (T. & W., *Yuba County*, p. 109.)

47. Michael Grey served as Sheriff of Yuba County from 1852 to 1856. (T. & W., *Yuba County*, p. 120.)

47a. The Tremont House was on the northeast corner of Second Street and Maiden Lane, Marysville.

48. J. B. Whitcomb kept a grocery store and hotel at Foster's Bar for many years. (Byrd.) He moved to Berkeley in the 80's and a son, Frank Whitcomb, was a well-known lawyer in San Francisco. (Meek.)

49. Downieville was the county seat of Sierra County and earliest settlement on the upper North Yuba. Rich diggings were discovered at this point in the fall of 1849, and a rush followed. As the route up the river gorge was difficult and roundabout, a trail was soon made over the mountains past the site of the later town of Camptonville. The present State Highway from Nevada City to Downieville follows the old trail for a good portion of its distance, though north of Camptonville it has found a new and easier way down into the gorge of the North Yuba.

50. Frank Rumrill commenced operating an express out of Marysville in 1853. He had been the first express agent there for Wells, Fargo & Company. (T. & W., *Yuba County*, p. 112.) In 1851[?] he and one Mott operated "The Express Hotel" on "the shady side" of First Street. (*Ibid.*, p. 137.)

51. John Gear was for many years a well-known stage driver and stable keeper at Downieville and was finally killed on the Foster's Bar road by a runaway team. (Meek.) Gear and N. D. Rideout (see Note 54) later figured as the victims in a sensational and daring attempt, on the part of the notorious highwayman, Tom Bell, and his gang, to rob the Marysville stage. T. & W., *Yuba County*, p. 127.)

52. Goodyear's Hill. Goodyear's Bar, below this "hill," was one of the most celebrated of the camps on the upper North Yuba, some four miles below Downieville. "In 1854 the bars on the river at Goodyear's were alive with men, and sanguinary quarrels were of almost daily occurrence." It was first settled during the summer of 1849 by Mills and Andrew Goodyear and two companions. (Farris & Smith, *Plumas, Lassen and Sierra Counties*, p. 465.)

53. There was a "Nigger Slide" on the mountain some two miles below Goodyear's Bar and just above St. Joe Bar. (F. & S., p. 466.) "Nigger Tent," however, was on the ridge between Camptonville and Goodyear's. Borthwick describes it as having originally been a tent, but tells of the enterprising negro proprietor who early found his fortunes prospering and built "a very comfortable cabin" but kept the name of his old establishment. (*Three Years in California*.)

54. Galena Hill was about two miles north of Camptonville. Gold was first mined here in 1852 and the discoverers, from Galena, Illinois, gave to it the name of their eastern home. It was an easily worked "diggins" and considerable gold was produced. In 1856 there were two stores, two saloons and a large hotel here, with more than a hundred miners at work. (T. & W., *Yuba County*, p. 100.) N. D. Rideout, later a well-known banker of the county, with banks at Camptonville and Marysville, was one of the early settlers at Galena Hill. One of his daughters, Jane, married M. S. Thresher of Stockton, and his sister married Justus Greely of Marysville, father of Fred H. Greely, present County Recorder of Yuba County. (Meek.)

54a. Mr. John Garnett operated this hotel for many years at Galena Hill. A son was killed in the "diggins" in 1854. (Meek.) Nothing remains at Galena Hill save one old gate-post of this early hostelry.

55. Young's Hill was a rich mountain "diggins" about three miles west of Camptonville. It was first settled and worked by William Young and his brother in 1852. In 1856 there were three hotels, four saloons, three stores, two blacksmith shops, two butcher shops, two dry goods stores and a theater at Young's Hill. This mining camp figures much in the De Long diary, as it was his home for a considerable period. (T. & W., *Yuba County*, p. 100.)

56. D. O. Adkison later became a prominent man in Yuba County. He first settled at Foster's Bar in 1850, but when the Atchison brothers located the site later known as Ramm's Ranch he worked the ranch on shares and ran a dairy, peddling fresh milk and vegetables to the miners along the river far below. (T. & W., *Yuba County*, p. 100.)

57. Railroad Hill was settled in 1852 when gold was first found on the hill east of the creek some four miles north of Camptonville. The first iron rail used in the mines to convey dirt to the sluice boxes gave the town its name, and more than a hundred miners worked there at the height of its prosperity. (T. & W., *Yuba County*, p. 100.)

57a. J. B. Caven. (See Edwin A. Sherman's *History of Masonry*, San Francisco, 1898, p. 208.)

58. At this location, three miles above Camptonville on Horse Valley Creek, gold was first mined in 1853. The dirt was very difficult to work, and the camp was almost deserted a year or so later. In 1865 work was resumed and, by blasting during the summer and washing during the winter, much rich gravel was handled. (T. & W., *Yuba County*, p. 100.)

59. "Jim" was De Long's brother who had left for "the States" before the opening of the diary. The few references to him give the impression that he had taken to drink and gambling and that the brothers may have parted even prior to Jim's departure from California.

60. During the earlier mining days the miners depended greatly on the "express lines" which were very soon started to every little gulch or bar. Later, by consolidation and otherwise, certain lines gained the ascendancy, and eventually Wells, Fargo & Co. obtained full control. More than any other institution, it exemplified the early West.

61. G. E. Noxon was probably some relative of the "M. W. N." (Mary W. Noxon), to whom De Long seems to have become engaged for a time, by correspondence with her in her eastern home. For a year or so the diarist speaks often of this Mary, but at last she fades from the picture—perhaps married to another. G. E. Noxon flits across the scene, a pathetic figure in his frequent spees. Soon he departs and we hear of him no more.

62. Mrs. Charles E. De Long was the diarist's aunt. An uncle, J. C. De Long, and this aunt lived in Utica, New York, and are frequently mentioned during the earlier years of the diary.

63. The first bridge was built at Bullard's Bar in 1850 and light structures—washed away each winter—were the rule until 1858, when George Mix built a permanent structure at a cost of \$7,000. (T. & W., *Yuba County*, p. 94.) Bullard's Bar and its bridge are no more, since the erection of the great dam across the gorge of the Yuba at this point about 1924. The "Gove" mentioned was A. J. Gove, who ran the bridge and sold whiskey to thirsty travelers as they crossed it. (Meek.)

64. Dr. Charles E. Lippincott, State Senator (Democrat) from Yuba County, was a prominent man in the mountains. He was one of the early settlers of Foster's and Bullard's bars, and near Brandy City in September, 1855, he fought his famous duel with Robert Tevis, brother of Lloyd Tevis of San Francisco, and candidate for District Attorney on the Know Nothing Ticket. A challenge, caused by a disagreement over certain remarks of Lippincott anent a certain Miss Sarah Pellett (a temperance lecturer) led to an agreement to fight with double-barreled shotguns, loaded with ball. Tevis fell at the first fire, while a piece of Lippincott's shoulder was shot out. The victim was buried by the Good Templars, since the Masonic Order, of which he was a member, refused to conduct his funeral, so strong was its opposition to duelling. (F. & S., *Plumas, Lassen & Sierra Counties*, pp. 444-45.) For a recent account of this duel, see *The Hell-roarin' Forty-niners*, Robert W. Ritchie, N. Y., 1928, pp. 124-29.) Lippincott became a Brigadier-General in the Civil War and was later Auditor of Illinois.

65. The Whiteside boys, Sam and Ninian, figure much in the diary. "Nin" had been a leading politician back in Illinois, and had even been Speaker of the State Assembly, but according to Byrd, Sam was "the rough one," full of dare-devil pranks. Ninian went into politics in California, became Speaker of the Assembly in 1858, ran unsuccessfully against De Long for State Senator in 1860, and married Carrie Vineyard, sister of De Long's wife Elida. Sam was a great bear hunter, and mined on "Gold Ridge" for many years. (Meek.) In the "Memoirs of Lemuel Clarke McKeeby" (this *Quarterly*, Vol. III, No. 2, p. 149) the Whitesides are mentioned, and a bitter altercation over water and ditch rights is described in detail—somewhat to the disadvantage of the brothers Whitesides.

66. This is De Long's first mention of politics. See July 2 for the County Convention.

67. Probably De Long's brother "Jim."

68. Benjamin P. Hugg was a "character" of early Yuba County politics. He came from Evansville, Indiana, and was a carpenter by trade, but was elected to the State Legislature in 1860 and again in 1878. He is said to have reveled in the title of "The Honorable Benjamin P. Hugg." He was influential in getting the State law against Chinese immigration passed. (Meek.)

69. This was the County Democratic Convention at Marysville.

69a. Tompkins was Justice of the Peace at Camptonville for many years. He also served as Constable, and later became Judge of the Superior Court of Humboldt County. (Meek.) He was probably the same S. C. Tompkins who in 1851 had been a Marysville alderman, and who was a notary public there in 1855. (Marysville City Directory, 1855.)

70. Bullard's Bar Guards. Nearly every early mining camp had its military company. It is told of the "Bullard Guards" that they were organized in 1852 and wore uniforms consisting of blue shirts with sashes about the waist. (T. & W., *Yuba County*, p. 94.)

71. Thompson & West, in relating the history of the theater in Marysville, state that a "canvas theater was erected in the early part of 1851, by Dr. Robinson, on the corner of Second and High Streets, and a vaudeville company was placed on the stage." (T. & W., *Yuba County*, p. 73.) Byrd told the editor in 1924 that he had seen nuggets fairly rain on the stage when Robinson's daughter, the celebrated Sue Robinson, was playing.

72. The excitement shown over this crime discloses the diggings were not as rough as has been pictured. The "man for breakfast" era came later in the more isolated camps such as Bodie and Esmeralda.

73. Probably De Long's brother "Jim."

74. Frank Davis was intimately associated with De Long from 1854 to 1856, at first in business ventures and later as co-Deputy Sheriff on the foreign head tax work. See entries for November, 1854, re the "Fairly Saloon."

75. Charles E. De Long was twenty-two years of age on August 13, 1854.

76. This refers to the custom of preparing ballots in advance. These were given to supporters who used them in voting. The "Australian Secret Ballot" system was later introduced to cure the many evils of the "ticket" system.

77. De Long ran for the office of Constable of Foster's Bar Township. His opponent was F. M. Benton, who was elected.

78. The storekeeper was the banker of the early miners. He exchanged goods for gold dust, or took it in, giving credit in exchange.

79. Poughquag, New York, near Poughkeepsie, was De Long's old home.

80. Miss M. E. Noxon—or M W N[?]. See Note 61.

81. This small town was situated on Oregon Creek above Bullard's Bar on the route of the old turnpike, about thirty-five miles from Marysville. Gold was first mined here in 1850, and the "Nine Horse Ditch"—so called because its owners denied that they had built a "one horse affair"—made mining profitable. Its name was early changed to "Greenville." (T. & W., *Yuba County*, p. 96.)

82. See Note 14. Thompson & West say that her name was Miss Goodwin, and that her "dramatic entertainment" in the beer hall over the Van Metre and Arcade saloons was the first in Camptonville. (T. & W., *Yuba County*, p. 98.)

83. Dobbins' Ranch was settled by William M. and Mark D. Dobbins, brothers, in 1849. William had been with Perry at the battle of Lake Erie, and when he died, in 1876, was the last survivor of that historic struggle. Here William Slingsby and Dan Gattans opened a store in early days, and maintained it for many years, the firm of Slingsby & Gattans being well known in all the mountain country. The old store still stands. Dobbins' Ranch lies in a lovely foothill valley (that of Dobbins' Creek) on the old Camptonville Turnpike in Foster's Bar Township. (T. & W., *Yuba County*, p. 95.)

84. i. e., go down the mountains to Marysville.

85. Stroud's was a resort or hotel near Oregon Hill. Meek says: "Bob Stroud kept a hotel half-way to Oregon Hill on the Foster's Bar Road. This was known as the 'Milk Ranch'."

86. The "Maple Springs House" was built very early, and in 1852 was sold to Peter Labadie, who kept it open as a hotel until 1860 when Atchison's & Rice's Turnpike took the travel to Bullard's Bar by a new route. It was one and a half miles northeast of Indiana Ranch in Foster's Bar Township. (T. & W., *Yuba County*, p. 95.) Peter Labadie's son, F. S. Labadie, runs the hotel at Camptonville today.

DUHAUT-CILLY'S ACCOUNT OF CALIFORNIA IN THE YEARS 1827-28

Translated from the French by Charles Franklin Carter

(CONTINUED)

XI

Desertion of three Indians. — Pomponio's act. — Valerio's tragic history. — Departure from San Pedro. — Arrival at San Diego. — Description of that port. — Dirtiness of the mission. — Abundance of game. — The great hare hunt by the Indians. — Trip to Mazatlan. — Difficulties with the customs duties. — Political situation in Mexico. — Los Yorkinos and los Escoceses. — Return to San Diego.

Liberty! Liberty! For a half-century we do nothing but repeat this word, and one might say that the mouths pronouncing it belong to heads which are ignorant of its meaning, or rather that it has no meaning; for if one say: "We are free!" ten others cry at once: "We, we are oppressed!" The one who found too much freedom some years ago, now demands much more; because undoubtedly every one imagines a liberty of his own, and it is impossible to create a liberty for each one. Liberty to take freely from the state's coffers. Liberty to be paid large annuities for fancied services. Liberty to calumniate, to revile, to vilify the worthiest things. Is this to enjoy liberty? No, it is to abuse it, to profane it.

It is, then, demonstrated that no one understands what is political freedom; but it is not of that I wished to speak. It is a liberty understood, I will not say by all men, but by all beings existing; it is that which nature imperiously demands; it is, indeed, that which crime compels society to take away from the guilty; but it is also that which injustice and force snatch from the unhappy slave; and it was this which the poor Indians, whom Don Ignacio Martinez delivered to me to convey to San Diego, had lost.

For six weeks they had been on board a French ship and, consequently, on French soil where there is no slavery; thus they enjoyed the same freedom as all those manning the *Héros*, and furthermore they had at no time failed to conduct themselves most exemplarily; but they knew that, in a few days, they should again find their fetters and their tyrants, and they would avoid so sad a future. During the night of the 15th [of April, 1827] they had the address to carry off the single canoe remaining aboard; and having at first let themselves fall to leeward without a sound, they disappeared, without the two sailors of the watch noticing it. As soon as I was informed of the matter, I sent two boats in search of the one they had taken, and it was found, abandoned on the rocks of Point San Vicente, but without any damage.

Since I had consented to take charge of these unfortunate ones, I would certainly have prevented their deserting, if I had known of their escape in time to hinder it; but I was glad they had, with so much cunning, regained a liberty

which had been, maybe, most unjustly taken from them; so I made no motion to have them captured, and was content, at the first opportunity, to inform the *alcalde* of the pueblo of their flight, while making vows which were not carried out in order that they might escape pursuit.

I learned later that, after wandering among those deserted hills for several months, they were finally recaptured by a *ranchero* of the neighborhood, famous for these kinds of expeditions: he made them pay dearly for some cows these poor Indians had lived upon; for surprising them one day, he succeeded in binding two, and unable to catch the third who fled, he lodged a bullet between the two shoulders.

Among the Indians, of whom the larger part seem to be so submissive, there are some who know the prize of liberty, and who seek to gain it by flight. They easily succeed in escaping, but they are often retaken by emissaries sent in their pursuit by the missionaries and the commandants of the soldiers; and without considering that these men have done nothing but make use of the most natural right, they are generally treated as criminals, and pitilessly put in irons.

One of these unfortunate creatures, after several attempts to flee from his oppressors, had at last been condemned to die in irons by the commandant of San Francisco. It is true Pomponio, so he was called, had added to the offense of his numerous desertions, thefts and even murders of some of those appointed to bring him back to his prison. He bore upon each leg an enormous iron ring, riveted on in such a way as to leave him no hope of freeing himself from it; but this man, gifted with an energy and a courage proof against the most frightful tortures, conceives yet once more the plan of freeing himself, and he carries it out. When all of his watchers are plunged in sleep, he sharpens a knife, cuts off his heel and slips off one of his fetters; thus, without uttering the least sigh, he mutilates himself in a nervous and sensitive part. But imagine what strength of mind he needs to begin again this cruel operation; for he has as yet gained only half of his freedom! He hesitates not; he takes off the other heel and flees, without fearing the acute pain which each step adds to his sufferings: it is by his blood tracks that his escape is discovered the next day.

Far from being touched by an act the ancients would have extolled, his tyrants were but the more enraged against their victim, and they pursued him unremittingly. Pomponio lived in the woods, among the bears he feared less than he did men, and for three years he ravaged mission and presidio at San Francisco. At last a mounted picket surprised him sleeping, and, to put an end to the matter, he was shot to death.¹

Two months before our coming to Santa Bárbara, a scene of this kind took place there, which would seem to prove that republicans of all times and countries, without even speaking of Rome and Sparta, have needed helots, that is to say, wretches they could reduce to the condition of the brute and kill for pastime.

¹[He was captured by four soldiers, tried by court martial at Monterey in February, and shot about September, 1824. Bancroft: *History of California*, Vol. II, pp. 537-38.]

For some time an Indian, named Valerio, endowed with great courage and prodigious strength, driven to extremities by the bad treatment inflicted upon him (for many times the rod had furrowed his shoulders), had deserted the mission. His retreat was unknown; but every day his depredations revealed his existence in the vicinity. When he felt need of anything, he appeared at night in the huts of his old companions, and took what was necessary to support life: they let him do it: woe to him who would prevent it! He crushed on his knee the head of a woman who quarreled with him about a common utensil.

Valerio should have been content with what the huts of the Indians supplied him: not one of his countrymen would have betrayed him; but he wished to have his revenge upon the *mayordomo* (steward, a kind of administrator) of the mission, a base and cruel man, author of all his wrongs. One night the Indian appeared, like a shadow, in the middle of his room; his glittering eyes froze with fright the *mayordomo* at the remembrance of things which made him shiver. But Valerio wanted not his life; he merely seized a pasteboard box full of papers of value to his enemy, and withdrew.

The danger was past: the *mayordomo's* blood, whose circulation had been suspended from terror, began once more to flow; it filled anew his heart, but with it entered rage. He himself dared not, however, follow Valerio; he entrusted it to a vile creature, who discovered the refuge of the savage. It was a half-league from Santa Bárbara, in the depths of a roomy cave, defended, on one side, by an inaccessible mountain ravine, and on the other, by a dense wood whose outlets he alone knew. His prudence went so far as never to walk upon the sand or the bare ground neighboring his dwelling, in order not to betray himself by the imprint of his steps: before entering the sheltering wood, he leaped over the brush, bounding like a deer, that he might not bruise its tops.

Hardly had day appeared when the *mayordomo* went to denounce Valerio, first to the padre, then to the commandant of the presidio. He poured out upon the miserable man all sorts of calumnies: he represented him as a wild man; and ended by showing a long knife which he had, he said, taken from the savage's hands at the moment the latter was going to plunge it into his heart. By these infamous means, he made all his passion pass into the minds of the chiefs and soldiers. The Mexicans gathered together agreed that the Indian must be shot like a dog. But who would undertake to carry out this barbarous sentence? It was Rodrigo Pliego, a young officer, who had continually in his mouth the words liberty and justice, and whose scarlet coat but imperfectly covered the rags of a coward, like a brilliant costume over a soiled shirt.

He needed four soldiers armed with rifles, and four archers, to bring to an end this perilous enterprise.

At the head of this band went the martial republican, brandishing his sword, cautiously toward Valerio's hospitable cave. Crouched near a small fire, he was quietly making his cheeses, when, at a gesture from Pliego, one of the archers shot an arrow which went whistling to bury itself under the wretch's shoulder. Then the cheeses were upset; the red man raised himself to his full height, cast

upon his executioners a dreadful look, tore the arrow from his breast to hurl it back to them; but they did not leave him time for it: three other arrows and two bullets reached him and made him reel to the ground.

The guard returned; and upon a horse lay a red and brown mass — Valerio's body. In the front rank of the curious onlookers was the *mayordomo*, triumphant and relieved. He cried: "Hurrah for Don Rodrigo!" "See," said the latter, "*cuan gordo era el indigno, y cuan amarilla le sale la manteca*!" (See how plump was the dog, and how yellow is the fat [*manteca*] sticking out of his wounds!)² Later, in speaking of the executioner of the Sandwich Islands, I shall tell to what nation belonged the *mayordomo*.

The 17th, we left the bay at San Pedro to go to San Diego. The distance between these two points is some twenty-eight leagues, and the direction, south-east 9° south, corrected.

The next morning, at three, we were in sight of a land which, from its small expanse and its form, we took at once to be the Coronados, a group of small islands, lying five leagues south-southwest from the entrance to San Diego. But we wished to make sure that it was not an island Vancouver places seven leagues west-northwest from the same entrance;³ and having obtained 32° 34' north latitude from the meridian altitude of the moon, we were confirmed in our first opinion; thus we were in the best position to enter the harbor at daybreak.

I had procured such good information concerning this place, that we experienced no trouble in entering without the assistance of a pilot.

San Diego Bay is certainly the finest in all California, and much preferable, for the safety of vessels, to the immense harbor at San Francisco, whose great extent leaves it too much exposed to winds and waves. This one at San Diego has not this drawback; it is a passage, from one to two miles wide, running at first in a north-northeast direction, then turning toward the east and southeast, forming an arc five leagues in length. It is sheltered, to the west, by a long, narrow and steep hill, extending from the south-southwest, under the name of Point Loma. Two miles within from this point, juts out, perpendicularly to it, a tongue of sand and pebbles like an artificial mole, ending in a perfectly rounded bank. A deep passage, about two hundred fathoms wide, divides this natural causeway from a sandy peninsula which, following the curve of the channel, protects it on the side toward the sea for its entire length.

The depth is not everywhere the same; and as one advances farther within, the channel in the middle of the bay is narrowed by the shallows from both banks. The most comfortable anchorage is a mile within the passage, opposite a nice beach of yellow sand; the anchor falls in twelve fathoms, within hailing distance from the western shore.

From the extreme end of Loma begins a long sheet of seaweed, stretching for

² This anecdote was related to M. A. Bourdas, my brother-in-law, by Pliego himself, who boasted of having led the expedition.

³ It has not been difficult for me to make certain, since then, that this supposed San Juan Island does not exist.

more than a league to the south-southwest; it is so thick on the surface of the water that, if one undertook to pass it with a light breeze, he might find himself stopped by this obstacle which, however, offers no other danger, for there is everywhere a depth of fifteen to twenty fathoms: they are long cords of the species of fucus which grow from the bottom to spread their broad, brown leaves upon the water. Some of these slender stems bear spheres of the shape and size of a ball of twenty-four, hollowed like a grenade, or rather like a bomb; and undoubtedly intended by nature to support, on the surface, the branches of algae when they become too heavy.

To avoid passing through this floating field, we brought to the north-north-east of Point Loma, then, steering for this point of the compass, with a good wind from the west-northwest, we entered quickly, skirting, a half-mile away, first the seaweed, then the point itself. Following this direction, one avoids a bank, on which are only a few feet of water, yet where the waves do not always break. This shoal begins at the sandy point forming the right side of the entrance to the bay, and stretches for about one and a half miles toward the south.

The soundings, which had gradually lessened, gave no more than three fathoms on arriving athwart the end of Loma; but on coming a half-point to starboard, they gave five fathoms. Arrived opposite the shoal I have just spoken of, and which was then breaking at several points, we steered toward the end of the natural mole, which we went around, at a distance of two ship's lengths, in a depth of ten fathoms.

A rasant fort of twelve guns is built upon the point where this tongue of land joins Loma. On our approach, the Mexican flag was raised and enforced by a shot: at once we hoisted our own, paying it the same respect. Every time we saw displayed the Mexican colors, they produced upon us a feeling of joy, and for a moment made our hearts beat. Some of us who had served under the empire took them always, at first glance, for those which had guided our steps to victory: the Mexican flag differs from the tricolor only in the part which is green instead of blue; the other parts are the same and similarly arranged.

From the point of the fort there is nothing more to do than to steer for the sandy beach appearing toward the north, and to anchor opposite, in eleven to twelve fathoms.⁴

Of all the places we had visited since our coming to California, excepting San Pedro, which is entirely deserted, the presidio at San Diego was the saddest. It is built upon the slope of a barren hill, and has no regular form: it is a collection of houses whose appearance is made still more gloomy by the dark color of the bricks, roughly made, of which they are built.

It was, however, at one time, the seat of the government: a very mild climate,

⁴Survey of the anchorage:

The sandy point forming the eastern side of the entrance

The point of the fort making the other side

A remarkable mountain in the form of a table

The easternmost of the Coronados, a little exposed by Point Loma

The presidio, distant about seven miles

south 34° east.

south 22° east.

south 45° east.

south 12° east.

north 22° east.

more favorable than that of Monterey to the disordered health of the commandant general, had perhaps induced him to prefer this place: some little charitable persons claimed that the society of a lady at San Diego embellished, in his eyes, a spot so little attractive from its local features.

Below the presidio, on a sandy plain, are scattered thirty to forty houses of poor appearance, and some badly cultivated gardens. A stream, dry in summer, flows at the foot of the hill, and rushes to the sea, to the west of Point Loma.

Mission San Diego is two leagues north from the presidio. I betook myself thither the day after our arrival. The road leading to it follows the edge of the stream for nearly the whole distance; and when it leaves it, it crosses a long field of mustard whose flowers, of a beautiful yellow, then in full bloom, dazzled the eye, and appeared like the most splendid gold.

In the distance are seen some very high mountains, whose tops are sometimes covered with snow. It is at the base of one of these that, eighteen leagues from San Diego, is found Mission San Luis Rey, one of the most considerable in the country.

This one at San Diego, directed at this period by the Padres Vicente and Fernando, is not, by a great deal, as rich as it, although it numbers a thousand Indians, and owns twelve thousand neat-cattle, nineteen thousand sheep, two thousand pigs, and a proportionate number of horses and mules.

The quite fine appearance of this establishment loses much on nearing it; because the buildings, though well arranged, are low and badly kept up. A disgusting slovenliness prevails in the padres' dwelling. Fray Vicente and Fray Fernando seemed so identified with this condition of things, that they did not even notice it existed in their house. Nevertheless, their welcome was as kind as their house was dirty.

The good fathers were about to dine, and they invited me to sit down with them. All they offered me was not presented in a manner to excite one's appetite; and as Fray Vicente vainly urged me to eat, Fray Fernando exclaimed: "It is singular; it must be that the air at the mission is not kind to strangers: I never see one of them do honor to our table." And while saying these words, he was arranging a salad of cold mutton, with onions, pimento and oil from the mission, the odor of which was nauseating (*prenait à la gorge*); and having no knife, he tore this meat with his fingers and even with his teeth, mixing the whole by handfuls in a nicked plate, where were still seen some remnants of the supper of the evening before.

Disgust alone could successfully resist a desire to laugh, which can be easily imagined; while my travelling companion, a young Californian, devoured, in a manner to please, everything placed before him. "*Eso sí, es gana*" (There is appetite for you), said Fray Fernando.

At the end of some days we prepared to leave San Diego, in order to go to Mazatlan to deliver the merchandise we had sold in the preceding December, hoping that Don Ignacio Fletes would this time be successful in obtaining permission for us to unload it. Our intention had been to retain on board, for this

trip, only that particular part of the cargo; but San Diego had not offered us a suitable storehouse for all the rest, particularly for three hundred barrels of powder which they did not wish to receive in the fort. We decided, therefore, to land only what we supposed might be sold during our absence, and it was agreed that M. R..... should remain in California during this little trip to the Mexican coast.

While these things were unloading, and our carpenters were preparing a small storehouse, we frequently had the pleasure of a hunt on Point Loma. The abundance of game is such that I have some reluctance to speak of it, in the fear that, judging by comparisons, I may be accused of exaggeration.

"The true may, sometimes, not be probable."

But I will not draw back before the truth. Scarcely did we set foot upon the shore than, from all sides, on the right, on the left, rushed numberless flocks of *codornices* [quail], a species of crested partridge, of which I have spoken before, of excellent flavor. Hares and rabbits were going in bands over the flowery and fragrant fields carpeting the slope of the hill. The assistance of a hunting dog became useless in the midst of this immense population. A hare which, in France, costs the hunter and the pack of hounds pursuing it some hours of toil and fatigue, demands here only silence and a little precaution. While walking slowly among the heaths and bushes, we did not go fifteen fathoms without finding an opportunity to kill one of these animals, and it sometimes happened we killed two with the same shot. Only the perplexity of choosing one's victim might be considered a trouble. So great facility became at last fastidious, and some of us invented difficulties in firing.

The hare of California is as swift as ours; but from the great number it resulted that, if one fled, another was taken unawares. The shape, the size, and the taste of this quadruped are the same as in that of Europe: only there is, in the fur of this one of California, less black and more yellow. Besides, Point Loma is much more favored, in this respect, than the neighboring country, which is not so stocked with them.

The Californian creoles are little addicted to the hunt; but Loma is occasionally the theatre of bloody inroads on the part of the Indians. Two or three times a year, those of Mission San Diego gain the padres' permission to make expeditions thither.

The hunters, to the number of two or three hundred, then form a line of battle, from the steep mountain bluff to the shore of the bay, and thus they walk abreast, driving before them the long-eared band. They are armed with *macanas*: this is a curved and polished lath which they throw with great skill. As they advance, the number of fugitives, recruited at each step, increase, and excite the activity and the cries of the hunters. The lively object of these manœuvres appears at first to attach little importance to it; always believing some ground remains for flight, if need be.

" . . . He eats, he takes his ease,
He is ready for all things that please."

But there must soon be an end to this drama: arrived at a very restricted spot, where the hill-slope ends abruptly in a wall of rock, the hares which the Indians have gradually driven thither, seeing themselves stopped, to the left, by this precipice, to the right, by the impassable steep wall of Loma, and ahead, by the impenetrable thickets, begin to recognize the imminence of the danger: they are disturbed; and in their terror they dart this way and that to find a way of escape. Some seek vainly to climb the wall on the right, others hurl themselves into the bay; there are some, and these are the only ones to have any chance of safety, which attempt to run through the adverse front; it is a general massacre, a veritable Saint Bartholomew, in which many always perish before the remainder can pierce through the line, broken finally, of the Indians.

In the neighborhood of the anchorage is found also that running bird I have described under the name of *churay*, to which is attributed the power of killing snakes for food. The *churay* is slightly larger than a magpie; and as to form, it much resembles that bird of our country. Like it, it has a long tail which it often raises until it has a vertical position. Its color is tawny with some green feathers and reflections. It seldom flies and only for very short distances; but it runs almost as swiftly as a horse. It is said that when it finds a snake asleep, it builds a high wall about it with the spiny branches of the cactus, and that, its work done, it wakes the reptile suddenly with its cries; the latter, thinking to escape, wounds itself with the long points ornamenting its prison, and the bird finishes it with stabs from its bill.⁵

Early on the 30th we made our preparations to set sail, while waiting for the wind to rise; and at nine in the morning we got under way and left the port.

We passed between the Coronados and the coast. These isles, the larger two of which lie southeast and northwest, form a small group. They are quite high, and all have the shape of the roof of a house; so that, when they are seen lengthwise, they take a pyramidal appearance. They are lacking in trees: only moss and a thick low growth, now bearing yellow flowers, are found there.

The 5th of May we reached San José del Cabo Bay, where I wished to stop to arrange some business and leave a passenger. We anchored at five in the evening. I went at once on land, and finding on the beach a horse which had been brought for me, I went to the mission. I felt a lively satisfaction in again seeing the good Fray Tomás and Pedrin. At so great a distance from our native land, cut off for so long from all communication with our families, these excellent people were for us relatives rather than friends.

My affairs were soon finished; and at the end of two hours we had raised the anchor and were again under sail.

We crossed the Gulf of Cortez quite slowly, because of the little wind; it was only the 8th, at two in the afternoon, that we anchored near Venado Island. A boat from the ship *Rose* came out to us. We learned that this vessel was still

⁵ [Belief in the above, relating to the *churay* or *paisano*, the roadrunner or chaparral cock, *Geococcyx Californianus*, is today more or less general in California; although, so far as the translator can learn, it is not endorsed by any reputable naturalist.]

anchored at Creston. Captain Thérèse was waiting there not only for the money coming from the sale of his cargo, but for other money belonging to some Spaniards who, appreciating the gravity of the events occurring in Mexico, were taking measures beforehand to protect their fortunes. I landed immediately, that I might profit by the remainder of the day and the coolness of the evening to reach the presidio before night. I left with M. Tréhouart, my mate, written instructions, in which I laid down rules for the line of conduct he was to maintain with the authorities of the country during my absence; for our position was delicate enough; and I was taking with me Dr. Botta, who wished to see the presidio.

At five in the evening we set out: it was the finest possible weather; and the moon, soon taking the place the sun had just left, illumined with her greyish light the vast forests bordering the road for nearly the whole way. Not a sound was heard in these solitudes save the cicadas' singing and the cries of the night birds. Only our horses' steps resounded in the midst of these deserted woods, and everything around us took on only formless and fantastic shapes. We were silent that we might the better enjoy the charm of this condition, and we were brought back from this species of revery only when a firefly passed, shining before our eyes, or when our guide, some paces ahead, stopped to strike a light for his cigarita.

Don Ignacio Fletes was not at the presidio of Mazatlan, where he stayed but seldom: he was at this moment at Rosario with his family. As soon as it was morning, I prepared to set out to find him; but when I presented myself to get a passport, the director of the customs declared to me in the most concise terms that, not only should he decline to let me make this trip, but in addition, that I should start at once for the port, and set sail without unloading anything.

Although I had expected to encounter some obstacles in delivering the goods I was bringing to Don Ignacio, I had hoped this merchant, enjoying a certain influence in the country, would succeed in smoothing them away.

I asked the director the reasons for so great severity: he replied that the too long stay we had made the first time in the port of Mazatlan had embarrassed the whole administration; and, indeed, he showed me several letters where the liveliest reproaches were made to him on the subject, and in which he was threatened with the loss of his office, in disputing with me. "It was inconceivable," they said, "that a ship to which, from the nature of its cargo and its declarations, permission to unload could not be granted, should remain so long in a port where it could have nothing to do; that it had had more than the time necessary for a new supply of food and water; that all these delays had been merely pretexts; and that, finally, the government suspected this ship of having done contraband business, and the employees of the custom house of having favored it."

I refuted these complaints, showing conclusively that I had not remained without authorization; and that, consequently, I could not be accused with having infringed upon the laws. However that be, I had no hope in the measures

which, on such suspicions, might be taken upon my account, and I very soon perceived that the most prudent thing to do was to give up the plan which had brought me. During my stay at the presidio, I was fearful every instant of hearing that some attempt had been made at the port to arrest the ship; and though the commands I had left on board were of such a nature as to quiet me, the consequences of anything of this kind would have been fatal to the continuation of our operations. I had before my eyes several instances which showed me the little justice the Mexican administrations often used in their proceedings, and the difficulty one had then to regain his rights.⁶ Nevertheless I obtained a delay sufficient to write to Don Ignacio, that he should give orders to his house at Mazatlan to settle our account.

While awaiting my messenger's return, I saw again some acquaintances I had left in the country. I learned without surprise of the agitation everyone felt upon every subject concerning this immense republic. The entire nation was divided into two parties, los Escoceses and los Yorkinos.⁷ The latter formed a terrorist faction which supported or fomented pretended conspiracies, in order to obtain harsh and bloody measures against the Spanish, and even against all Europeans. Unfortunately, some members of the government, seeing in them at first only men animated by an excess of patriotism, had shared their views and subscribed in part to their principles. They had not, however, delayed in raising the veil covering the hideous designs of those ardent patriots; and they then thought to arrest the progress of the storm. It was not very difficult to see that in violently casting out of Mexico the wealthy Spaniards, or in having their heads fall, they had no other aim than to seize upon their fortunes. Have proscriptions en masse ever had other motives? Modern consuls and tribunals banish beggars only from their tables and houses! The wealthy — cross the seas or die.

But those who, like us, are born in the heart of revolutions, alone know how little easy it is to oppose dams strong enough against torrents like these. Besides, in the ebullition of a new liberty, the people are very easily alarmed; and fearing always it will be taken away from them, they abandon themselves, on the least suspicion, to the cruelest fits of anger: nothing is easier than to make them regard as traitors and enemies those whom they plan to ruin: thus the leaders in power succeeded in retarding, but not in stemming, the course of events. At Guadalajara, the treasure in the cathedral had been pillaged: a friar, named Arena, had just been executed for having, it was said, participated in a

⁶ Not long before this, a foreign ship experienced at Acapulco one of these great infringements of people's rights. The captain had written in his manifest some goods he did not know were prohibited. After some days of consultation, the custom house made a decision by which he should be allowed to discharge all his cargo into the government's storehouses, on condition of his reloading the forbidden objects at his departure. The cargo was no sooner landed than the whole was seized, under pretext of contraband. It was only at the end of a year that the captain was acquitted, but without reimbursement. It was the fable of the wolf and the stork.

⁷ [These two parties were political clubs which had sprung into being a little while before the time of Duhaute-Cilly's visit. They emanated from Masonic lodges, the Escoceses from lodges of the Scottish rite, the Yorkinos from those of the York rite. *Vide*. Bancroft: *Hist. of Mexico*, Vol. V, Chap. II, p. 32 *et seq.*]

conspiracy against the republic;⁸ finally, everywhere were discontent, fear, and irritation.

The government had no confidence in its officers, above all in its responsible clerks. The latter, always on the point of being denounced by men who sought but a pretext to ruin them, and to put themselves in their place, justified the distrust they inspired, by pilfering (*en faisant leur main*) while they still were able. I have seen in Mexico almost incredible examples of corruptibility.

A happier event for the country had just taken place in the state of Sonora. The Yaqui Indians, in revolt for nearly two years, had just made peace with the republic. I was not able to become acquainted with the conditions of the treaty; but I have reason for thinking that the expression *indultados* (pardoned), which the Mexicans used in designating the pacified Yaquis, but little fitted men, who, after having beaten a part of the republican army, had held the remainder besieged in the city of Pitique for a year, and who had terrified Guaymas to the point of causing all its inhabitants to forsake that commercial city.

On the evening of the 10th, I received from Don Ignacio Fletes a letter in which he advised me not to make any further attempts. At the same time, he authorized his house at Mazatlan to close our account; in consequence of which, I settled this business at once, and the next morning we returned to port.

On leaving Mazatlan to return to San Diego, we went to examine Cape San Lucas, which we passed at two leagues distance. When this end of the peninsula of California was eight miles northwest from us, we took two series of lunar distances from the sun, which gave us, one $112^{\circ} 23'$, and the other $112^{\circ} 21'$ longitude west, brought back to the meridian of the cape: an observation furnishing $3'$ less than the single one we had been able to make at the time of our first stop at San Lucas. The mean of these three operations would place the cape at $112^{\circ} 21'$.

XII

Return to San Diego. — Trip to San Luis Rey. — Unconcern of an Indian. — Description of the mission. — Bull-fights. — Importunity of the young Indian women. — Cock racing. — The four corners. — Games and dances of the Indians. — Return to the harbor. — A bull on a church. — Departure. — Arrival at Santa Bárbara. — Departure for San Francisco. — San Nicolás Island. — Arrival at San Francisco.

The passage from Mazatlan to San Diego was not made with the same ease in returning as in going. We had to struggle against light and contrary winds which forced us to tack slowly for twenty-eight days, and it was not until the 10th of June that we reached this port.

On arriving at San Diego, I learned that M. R..... was at San Luis Rey; and in view of making some trade with the president of that mission, I prepared to go thither. I went, therefore, to the presidio where I found a dozen persons making ready to leave for the same place, that they might be present at the

⁸ [Narrated by Bancroft: *Hist. of Mexico*, Vol. V, Chap. III, pp. 57-59.]

double festival which was to be celebrated there, on the occasion of the consecration and of the patronal day of Padre Antonio Peyri.

To avoid the heat and to take advantage of a beautiful moonlight, we set out on the way, at ten in the evening, at the moment when that luminary, in her third quarter, was rising behind the hills in the east. At the end of an hour, the road disappeared winding between two mountain chains. The moonlight was still cut off by the heights we had on our right, and darkness reigned in the depths of the valley. The trip was far from being as quiet as the one I had made lately, in quite similar circumstances, when I went by night to the presidio of Mazatlan.

The hope of the pleasure my companions of the road were promising themselves to enjoy at the feasts of San Luis had incited in them a liveliness which they fed still more by some glasses of brandy, every time they stopped to light a cigarita. The songs of the land were followed by quite scandalous little stories which each one related in turn; and if these anecdotes kept up the hilarity of the audience, the reputation of one's neighbor suffered cruel attacks from them. An unbounded carelessness was soon set up in the midst of this company; it was the moment for confidences; it was also that for jests which each one uttered without reserve.

One person, in particular, was long the mark at which all these darts were aimed: I will not say to what class he belonged. He defended himself by well-sustained repartee: an impediment of the speech gave the most sardonic expression to his bantering; but this fact did not allow any one to become angry; and he, less than all the others, could not take in bad part the rather free jokes the others permitted themselves on his account: his behavior, too manifest, condemned him to all these consequences: thus, he ended by going farther than his opponents, surpassing the boldest in freedom of conversation. Perhaps I, also, laughed at all his sarcasms; but the last feeling remaining in my mind was an ever unconquerable disgust for this individual. I was, besides, the only neutral in this war of tongues, from which I profited in becoming acquainted with the customs of the country.

After going three leagues through this narrow passage, we reached the water's edge which was low enough to give us a much more agreeable road, during the night, than that farther inland. We went then at full speed upon the hard, smooth sandy beach, shut in between the water and the vertical wall of rock. This strip of ground was, however, so narrow, sometimes, that the waves rolling up there bathed, foaming, our horses' feet, and then retired for forty or fifty paces.

It happened that, in a spot where the waves washed the base of the coast, an Indian from whom liquor had taken part of his senses and equilibrium, wishing to go through this passage at a gallop, fell with his horse into the deepest place, one leg held fast under his steed. I was the first to reach him, and I started to descend to help him up, when, by the light of the moon, I saw him quietly smoking his *cigarita de papel*, in that position, in which he stayed until a wave

came to extinguish it in his mouth; then, as if he had nothing better to do, he struck upon the animal's head with the end of the bridle; the horse at once got up with his rider and started off again, without a word having been uttered by the Indian.

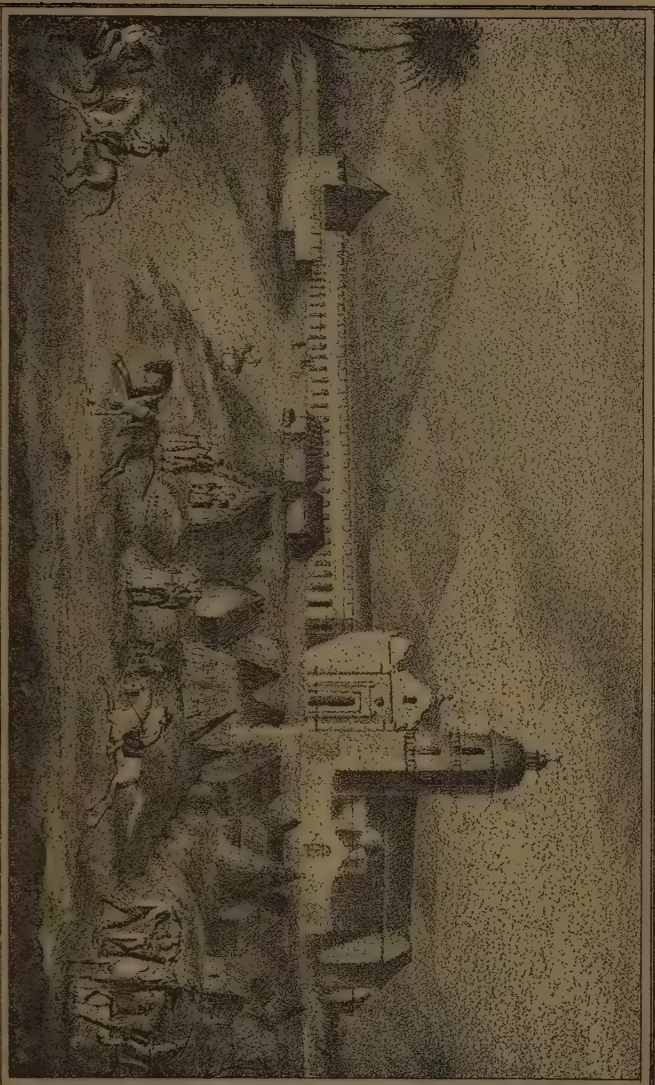
I did not know whether the sea was rising or falling; and this reminded me of a situation full of interest in *The Antiquary* of Walter Scott. It is certain that if this narrow strip of sand, on which we were traveling, has been suddenly invaded by the action of the tide, there would have been no way for us to climb this vertical wall; and, on this deserted coast, no peddler would have come to our help; but, happily, the sea does not rise so rapidly upon the Californian, as upon the Scottish coast; and there would be time, I think, to reach some one of the cuts to be met with here and there.

Seven leagues from San Diego we came to a large stream, called Estero de San Dieguito [San Dieguito Creek], which rushed, foaming, into the sea, its encounter with the waves making a wild, rough bar. The Californians entered boldly and unhesitatingly into this torrent; and under pain of remaining alone, I was constrained to follow them: it was not, however, without difficulty that we reached the other bank; and, though we were careful to turn our horses' heads almost into the course of the current, we drifted all the time, and landed far below our starting point, and very near the bar, roaring two fathoms from us, as it made, almost over our heads, a threatening vault. When everyone had passed over without mishap, we again took up our course on the beach, with great speed, for seven leagues farther.

Once more we turned inland; and after one and a half hours of travel, we descried before us, from the top of a slight eminence, the superb buildings of Mission San Luis Rey, whose brilliant whiteness was sent to us by the first light of day. At the distance we were from it, and by the uncertain light of dawn, this edifice, of a very beautiful pattern, supported upon many pillars, had the look of a palace; the architectural defects not being grasped at this distance, the eye seized only upon the elegant mass of this fine building. The verdant valley in which this mission is placed, already enlivened by great herds which could as yet be seen only as white and red spots, stretched to the north as far as the eye could reach, where the landscape was bounded by a group of high mountains, whose outlines and summits were but softly made out through the light morning mists. Unconsciously I stopped my horse to examine alone, for a few minutes, the beauty of this sight; while my friends, the Californians, slight observers by nature, descended the hill; and I rejoined them at the end of a quarter of an hour, only at the moment I entered the mission.

The padre was in the church, and we waited for him in the cloistered walk, where he soon came to receive us with the affability and politeness he possessed in so great measure. He had us served at once with chocolate, and ordered beds prepared for us, that we might lie down until the dinner hour.

At noon we were again together, and we enjoyed this excellent man's pleasant and lively conversation. The entire mission was in commotion preparing for the



See the Missionary and

the Missionary's journal.

See the 12th.

One of the missions of San Luis Obispo - they are California

two festivals, the first of which — that of San Antonio — was to be celebrated the next day, the 13th of June. These were religious solemnities; but in order to attract the largest possible number of attendants, the president of the mission was accustomed, at such a time, to keep open house, and to produce all the amusements, shows, and games dear to Californians; hence few persons in the boundary were missing at so attractive an assembly, and the vast buildings of San Luis were hardly sufficient to lodge the number of men and women gathered there.

By a quite remarkable chance, the patronal feast of the padre fell, this year, upon the same day as the twenty-ninth anniversary of the foundation of the mission. He related to me how he had reached this open stretch of country, at that time deserted, at four in the afternoon, on the 13th of June, 1798, with the commandant of San Diego, a detachment of soldiers and some workmen. "Our first care," he said to me, "was to build some huts, in the fashion of the savages of this country, to serve us as a shelter while waiting for the mission to be built; but before marking out the foundations, the next morning, an altar of green sward was erected upon the grass; and under the arch of the sky I celebrated the first sacrifice ever offered to the Eternal in this valley which He has filled since with so many blessings."

The buildings were traced upon a large and ample plan wholly the idea of the padre: he directed the carrying out of it, in which he was assisted by a very inventive man, who had also contributed to the building of those at Santa Bárbara; hence, though these are much more sumptuous, one recognizes there the same hand.

This construction forms an immense square of five hundred feet on each side. The main front is a long peristyle borne upon thirty-two square pillars supporting their full semi-circular arches. The building is, indeed, merely a ground floor; but its height, of fine proportion, gives it as much charm as dignity. It is covered with a flat tiled roof, around which, outside as well as within the square, is a terrace with a fine balustrade, which feigns still more height. Within is found a vast court, clean and well-leveled, around which pillars and arches, like those of the peristyle, make a long cloister, by which communication is had with all of the dependencies of the mission.

To the right of the exterior façade is found the church with its bell tower surrounded by two rows of balconies. The front of this building is simple and without pillars, but the interior is rich and well decorated; a faucet gives a flow of water in the sacristy.

The dwellings of the main façade are occupied by the padre and by strangers visiting the mission. Those of the court are used by the young girls who, till their marriage, do not live with the other Indians; there, also, are the storehouses for food, utensils, the workshops where are made the woolen and cotton stuffs for the Indians' clothes, and, lastly, the infirmary with its private chapel; for everything has been contrived for the convenience of the sick who could go to the church through the cloisters without failing to be under shelter; but this is

a refinement. There is nothing more elegant than the pretty dome crowning this little temple, in which Fray Antonio has been pleased to make all his talent for decoration shine.

In addition to the immense main building I have just described, there are two others much smaller, one of which is given up to the *mayordomos*, the other to the mission guard composed of a sergeant and eleven soldiers. This latter building has a flat roof and a dungeon with barbicans and loopholes.

Two well-planted gardens furnish abundance of vegetables and fruits of all kinds. The large, comfortable stairway by which one descends into the one to the southeast, reminded me of those of the orangery at Versailles: not that their material was as valuable, or the architecture as splendid; but there was some relation in the arrangement, number, and dimensions of the steps. At the bottom of the stairs are two fine lavers in stucco; one of them is a pond where the Indian women bathe every morning; the other is used every Saturday for washing clothes. Some of this water is afterward distributed into the garden, where many channels maintain a permanent moisture and coolness. The second garden, situated in a higher place, can be watered only by artificial aid: a chain-pump, worked by two men, is used twice a day to accomplish this object. These gardens produce the best olives and the best wine in all California.¹

To the north, two hundred paces from the mission, beings the *rancheria*, or village of the Indians. It is composed of thatched huts, merely, of various shapes, the larger number conical, scattered or grouped without plan over a great extent of ground. Each one of these hovels holds a family, and all together contained at this time a population of more than two thousand persons. In the beginning, stone houses, distributed with regularity, were built for the Indians, and this method is still in use at several missions. It is believed to have been observed since that that kind of dwelling did not suit the health of the Indians, accustomed to their cabins; so that many of the padres have decided to let them build themselves huts to their taste. But why seek, in the shape of the houses, the cause of the mortality of the Indians? It is altogether in the slavery which withers the faculties and impoverishes the body. I cannot believe that, in more comfortable dwellings, the savages, free, would live less long.

The dependencies of the mission are not limited to the various buildings composing it. Fray Antonio has had established, within a radius of ten leagues, four ranchos, each one made up of an Indian village, a house for the *mayordomo* directing it, storehouses suitable for the harvests, and a very fine chapel. Every Sunday these administrators come to the mission to give account to the padre of the week's work and the condition of the rancho. Fray Antonio knew how to arouse among them a rivalry from which he reaped a great advantage for the general well-being of the mission. It is principally upon the lands of these ranchos that the great herds belonging to San Luis Rey are distributed. The number of horned cattle this establishment owns amounts to about thirty thou-

¹ I carried away some of this wine, and I have some of it still. After seven years, it has the taste of Paxaret, and the color of *porto dépouillé*.

sand, and of the sheep to more than twenty thousand; the remainder of the products will be found in the general table of the missions, accompanying this narrative.

On the evening of the 12th, volleys of small shot, and fires lighted on the place, announced the festival of the following day. It began with a high mass, sung by the Indian musicians. As many as those at Santa Bárbara, they were far from equalling them; it must also be said that most of the instruments which they used, made in the mission, were of a very inferior quality. Immediately after mass came the bull-fights, lasting a part of the day.

This exercise offered nothing very remarkable: it took place in the inner court. Each rider proceeded to tease the bull, which rushed, with lowered head, now upon one, now upon another; but such is the agility of men and horses that they are almost never overtaken, though the bull's horn appears to touch them every instant.

I was given a place at first with some persons on the terrace of the padre's house, overlooking the whole arena; but soon I, as also my companions in curiosity, were pursued by the Indian girls relegated to this spot from fear of accident. They were more than two hundred in number, aged from eight to seventeen; their dress was alike, composed of a red flannel petticoat and a white shirt. Their black hair, cut off to a length equal to half their height, floated over their shoulders. They came in a crowd to beg of us copper rings or pieces of money; and we amused ourselves at first by tossing them some reals, that we might see them throw themselves one upon another and tumble in the most laughable manner; but gradually they grew bolder and so familiar that they ended by rushing upon us, and prepared to rummage in our pockets. Their bursts of laughter and their scoldings, which drowned the bull's bellowing, recalled to me the critical situation I found myself in one day in the island of Java, attacked, unarmed, by a troop of monkeys. I will admit that these mischievous Indians did not bite; but they tore, scratched, and were inclined to leave us no more money in our pockets than was owned by the monkeys of Pulo Marack.²

We felt then that the moment was come to effect an honorable retreat; and to accomplish it we used strategy: we took all the small change remaining to us, and hurled it as far as we could; the swarm of girls left us instantly to run after the booty, and we profited by this short truce to escape. We went down to the padre's room, and sought protection behind a barricade built in front of his door.

The bull was not killed as in Spain. After it had been provoked, tired, teased for a half-hour, a small gate giving onto the plain was opened; no sooner had the animal seen this way of escape, than it made for it with all speed; the horsemen flew like arrows in its pursuit; the swiftest, upon reaching it, seized it by the tail; and, at the same instant, giving spurs to his horse, he overthrew the bull, sending it rolling in the dust: only after this humiliating outrage was it

² Peacock Island: a small island off the coast of Java.

permitted to regain the pasture in freedom. This exercise, demanding as much agility as firmness from the rider, is what is called in the country *colear el toro*.

Toward evening the *jinetes* [horsemen], having changed their horses, began, in front of the mission, the *carrera del gallo* (cock racing), less dangerous and more interesting than the bull-fight. A cock is buried up to the neck in the ground; the riders place themselves two hundred paces from it; and darting like an arrow, one hand on the saddle-bow, they lean over and carry it off by the head, as they pass. Their speed is so great that each one of them frequently races more than once before succeeding. But this is not all: if one of them seize the cock, all the rest rush upon him, to tear it from him; he tries to escape them by running away or turning this way or that; they intercept his course, press upon him; the horses mix together, crowd each other, rear upon their hind legs; the cock is torn in pieces, and some of the riders infallibly thrown down, becoming the butt for the laughter and jeers of their comrades and the fair spectators of this strife.

These races ended with the game of the four corners, on horseback. The players were armed with long willow poles, with which they lashed each other unmercifully every time they met; and, to finish the game, the branches had to be broken up to the stump, which did not happen without some good whacks upon the head or face. The Californian girls seemed to take as much interest in these various races as the *hautes dames* of the fifteenth century were agitated in the brilliant tournaments, where their knights broke lances in their honor.

While the *gente de razon* amused themselves thus variously, the Indians, on their part, betook themselves to their favorite games: the one seeming to please them the most consists in rolling an osier ring, three inches in diameter, and casting upon this ring, while rolling, two sticks, four feet long, in order to stop it in its course. If one of the two sticks, or both together, go through the ring, or if the ring rest upon the two sticks, or upon only one of them, a certain number of points is counted, according to the amount of hazard. When a pair have played their game, two opponents begin again, and so alternately, until the match is finished. According to M. la Pérouse, this game is called, in the Indian language, *tekersie*.

Other Indians, like the Bas Bretons, gathered into two large bands; each, provided with a stick in the shape of a bat, tried to push to a goal a wooden ball, while those of the opposing band strove to drag it in a contrary direction. This game appeared to attract both sexes alike. It happened, indeed, that the married women having challenged the single women, the latter lost the game. They came, crying, to complain to the padre, that the women, making an ill use of their strength, had taken unfair means to stop their arms as they were going to strike the ball. Fray Antonio, with a gravity worthy of the judgment of Solomon, made them give an exact account of the affair.

During the explanation, the good missionary, his eyes half-closed, solemnly seated under the arched cloister, laid the index finger of his right hand upon his eyebrow, while the *medius* made a sort of square, passing under his nose:

an attitude lending him an air of deep meditation. When the Indian girl had ended pleading her cause, he raised his head and declared the game void; but he could not help laughing in his sleeve, and he said to me in a low voice: "*Las pobrecitas! Es menester de hacer algo para ellas.*" (Poor young creatures! Something must be done for them.) "It is by such means, and others like them, that I have succeeded in gaining the trust of these Indians."

Truly, his mission was that, of all California, where these poor people were the best treated. Not only were they well fed and clothed; but still more, he gave them some money on feast days. Every Saturday he distributed soap among the women. On this occasion, all passed before him, and while two men took out of enormous baskets and gave to each one her share, the padre spoke to each in turn. He knew them all: he praised one, mildly reproached another; to this one a joke befitting the occasion, to that a fatherly reproof: all went away satisfied or touched.

When night was come, I went with Fray Antonio to see the Indian dances, which appeared to me as interesting as they were strange. They were lighted by torches whose effect was to seem, by contrast, to spread a sad veil over the starry vault of the sky. A dozen men, having no other clothing than a cincture, the head adorned with tall feather plumes, danced with admirable rhythm. This pantomime always represented some scene, and was performed chiefly by striking the feet in time, and making, with eyes and arms, gestures of love, anger, fright, etc. The dancers held the head erect, the body arched, and the knees a little bent. Sweat, rolling down the entire body, reflected, as in a burnished mirror, the fire of the torches; and when it annoyed them, they scraped it off with a flat piece of wood which they held in their hand.

The orchestra, arranged like a semi-circular amphitheatre, was composed of women, children and old men, behind whom one or two rows of amateurs could at least taste of this spectacle. The harmony of the songs governing the time was at once plaintive and wild: it seemed rather to act upon the nerves than upon the mind, like the varied notes from an Æolian harp during a hurricane. From time to time the actors rested, and at the moment the song stopped, every one breathed at the same time into the air with a loud noise, either as a mark of applause or, as I was assured, to drive away the Evil Spirit; for, though all are Christians, they still keep many of their old beliefs, which the padres, from policy, pretend not to know.

The next day, after the ceremonies and the procession of the consecration, the games began again in the same manner as the day before; but this time the bull-fights were disturbed by an accident. One of the Indian girls, sporting upon the mission terrace, fell over the railing onto the pavement of the court, from a height of twenty feet, and broke her head.

I did not find M. R..... at San Luis Rey. He wrote me from San Juan Capistrano, another mission farther west, that if I deemed it advisable, he would continue his journey by land to Santa Bárbara, whither he begged me to go with the ship to rejoin him. This arrangement, which could only be favorable to our

trade, suited me; and after settling my accounts with Fray Antonio, I started for San Diego with only two or three persons, and reached there the evening of the 15th.

During the bull-fights at the mission, those who were at the presidio were also given this recreation, which came near costing the life of a young man belonging to my ship, whom I had left at the storehouse. He was near-sighted; and instead of keeping a respectful distance from the bull, he had imprudently neared it at the moment when the ropes holding it were being removed; he had been cruelly thrown down by the animal, and had been raised unconscious, but happily without a wound.

This scene, begun in a tragic manner, was later enlivened by an odd incident. The church at the presidio, forming one of the sides of the interior court, is built upon the very steep slope of the hill, in such a way that one end of the roof rests upon the ground, while the other is raised nearly forty feet above the soil. The bull, more ready for flight than combat, frightened by the cries of the spectators, and threatened by the noose, finding no outlet for escape, was driven into a corner near the spot where the roof of the church seems to join the mountain. There was no other retreat for it, and a spring of two feet in height put it upon the flattened roof of the chapel whence, continuing to go on, it might be predicted that it would have an abrupt introduction into the sanctuary, through the tiles where it thrust through now one leg, now the other. At last it reached, stumbling along in this fashion, the highest part of the roof, before recognizing the imminence of a danger which it then seemed to comprehend with a new terror. It tried, however, to turn about, in order to retrace its steps; but in this movement it slipped and fell into the court, with a heap of *débris* and in the middle of a cloud of dust. Can one conceive of the boisterous delight among the descendants of the Spanish roused by the cruel death of this poor animal?

The morning of the 22d we set sail, and left the bay at the moment the northwest wind was beginning to blow. We were compelled to tack that we might get to Santa Bárbara, which we reached only on the 29th. There I found M. R....., and after mutually giving account of our operations, we agreed that he should go by land to San Francisco, visiting the missions found on his way, while I would go by water to the same port where I was to begin to load the ship with the tallow for Peru.

Leaving the roadstead at Santa Bárbara, we sailed by the group of islands forming the southern side of the channel, and we had the opportunity to become acquainted with one of them not put down on any map, although it is well known to sailors frequenting these waters; this is San Nicolás. It lies seven leagues west from Santa Bárbara Island, and ten leagues south from Santa Cruz Island: its northern point is in $33^{\circ} 25'$ latitude north, and in $121^{\circ} 33'$ longitude west from the meridian of Paris; it may be five or six leagues in circumference. It is lower than those near it; the highest part is the northern. Four leagues to the northwest is a dangerous rock, which we passed at a distance of less than a league; from there it resembled a launch with sails set. While within

sight of this island, we saw, at the same time, all the others. We made surveys which did not square well with the positions given by Vancouver, whence one would be the more justified in inferring their incorrectness from the fact that the omission of San Nicolás Island would seem to prove he did not examine carefully the Californian coast.

The afternoon of the 17th we arrived at the entrance to San Francisco, and we inspected the southernmost of the Farallones, which we passed at a distance of two miles, while we recalled the trials their neighborhood had caused us six months before. It was foggy; but we made out the rude buildings of a hundred Kodiaks, maintained by the Russians from Bodega for seal fishing, in spite of the displeasure of the Mexican government. We noticed a man standing before his hut, and we saw the boyedarques³ stranded upon the rocks.

If these fishermen limited themselves to killing the seals frequenting the Farallones, the Mexicans would not have so much reason for complaining, since they themselves do not carry on this line of fishing; but the Kodiaks, with their light canoes, enter at night into San Francisco Bay, skirting the shore opposite the fort, and once in this vast body of water, they settle for a time upon some of the small inner islands, and in perfect safety there, fish for the sea otter. In this manner have they nearly taken away this small source of wealth from California, which has no means to stop it, the government keeping no boats adapted to prevent this species of robbery. Besides, it has happened only too often that the commandants of San Francisco have agreed with the Russians to allow them to carry on this contraband for a part of the product, always very moderate and at the entire discretion of the fishermen.

The sea, or saricovian, otter was formerly very common on the coast, from San Francisco to San Diego; but to-day very few are found there. During the whole time we passed in this country we bought about all that were caught, and this collection amounted to not more than one hundred and fifty; furthermore, this fur, which is so fine in the higher latitudes of the northwest coast of America, is here of inferior quality.

From the southernmost Farallon we steered, in quite a heavy fog, toward the northeast $\frac{1}{4}$ east, a direction bringing us a little too far to the right of the entrance to the bay. On the supposition that this slight deviation was not the effect of an oblique current which, in this passage of six leagues, would have carried us to the south, it would be necessary to infer that, in making for the northeast $\frac{1}{2}$ east, we should have come directly into the channel. The breeze was light when we arrived in front of the presidio; and fearing we should not be able, before night, to reach Yerba Buena, our station on our first trip, we were about to let go the anchor, when the wind passed suddenly to the southwest and

³ Kodiak boats. I shall have occasion later to speak again of them.

Roquefeuille calls them	boyedarques.
Kotzebue	baydares.
Corney	bodaries and bodarkis.
Californians	kayoukes.
[Anglicé]	bidarkas.]

blew strongly. Profiting by this change, we again spread the topsails, which were already clewed up, and we quickly reached our anchorage, where we moored near a Spanish vessel under the English flag, named the *Solitude*.

XIII

Discussions with the commandant of San Francisco. — Departure for Santa Clara. — Description of the country. — Various atmospheric effects. — Harvest at Santa Clara. — Pueblo of San José. — Padre Narciso. — Return to the ship.

Military men of all countries and of all times have ever most unjustly esteemed commerce; and on every occasion when these proud defenders of the land and the national honor have had to exercise some power which, for the time, makes commercial industry dependent upon them, they have appeared to take every means to obstruct and discourage all activity. One does not have to be very discerning to perceive the origin of these bad feelings: they are the daughters of jealousy; as if the hornet and the fire-fly had the right to upbraid the bee for the honey it collects from the flowers they disdain and scorn. Ah! gentlemen, enjoy your honors; strut about under your gold epaulets, and let us, free from fetters, imitate the foresight of the ant.¹ It is to Don Ignacio Martinez, commandant at San Francisco, that I particularly address these words; and would to God they were applicable only to him!

Scarcely were we at anchor when I received a letter from this officer who, in conformity with a new decision of the general, warned me to leave Yerba Buena immediately, and to go to the anchorage at the presidio; adding that, until I had yielded to this order, I could not do any business.

I replied to him at once that, however ready I was to submit to the laws of the country, I would do it only in so far as they were not of a nature to compromise the safety of my ship; that he ought to know the anchorage appointed for me was not safe; that I had already lost an anchor there, he himself being present at the time, on my former trip; that were a like misfortune to occur again, I should not be able to make it good; that it was, in addition, most unjust to force a captain to stay in a poor roadstead while making him pay the excessive duty of twenty reals a ton;² that, consequently, I refused to change my place until the general had replied to a letter I was going to write him on the subject.

While waiting for the result of this demand, I decided to go to the Missions Santa Clara³ and San José to make sure whether the goods the padres were to deliver us were collected, and to try, at the same time, to increase the quantity by new sales. I wished, also, to wait there for M. R..... and to know the result of his trip.

¹ It is not against the officers of our brave navy that I make these reproaches: I have received from them, in my maritime career, only good and loyal conduct.

² The tonnage duty for the *Héros* amounted to 925 piastres, about 4625 francs. A piastre is about the same value as a dollar.

³ Mission Santa Clara is about twenty leagues from Yerba Buena.

On the evening of the 19th, I set out, accompanied by Mr. Richardson and a servant. We passed, first, by Mission San Francisco, where we did not find Fray Tomás, as he was gone some leagues away to visit his harvests of corn. We next followed the road we had taken before, when we went hunting in San Bruno Valley, and at nightfall we reached a rancho where we found at that time a son-in-law of Don Ignacio with his wife and children, busied in bringing into bearing a garden which provided the entire family with vegetables and fruits.

Under the favor of Mr. Richardson, their brother-in-law, I was very graciously received by the man and his wife, who offered me one of the best meals I had had for a long time. It consisted, in truth, only of vegetables; but we so seldom had them on the ship, that the excellent green peas and French beans were not for me a poor feast, particularly as I saw added to it a fine basket of strawberries which the Indians had gathered in the mountains, the taste and odor of which yielded in nothing to our finest European strawberries. The sleeping arrangements corresponded but little with the excellence of the supper, for we were compelled to stow ourselves away, guests, husband, wife and children, all together upon a great leather bed where, devoured by fleas and badly protected from the evening coolness, we passed quite an uncomfortable night.

The morning of the 20th we took early leave of our friends and continued on our way; it was that Vancouver had followed in 1793. I did not pass through, without a sort of respect, the charming grove where that celebrated mariner had dined with the officers accompanying him, and which I recognized from the description he has given of it in his narrative. The brook where he quenched his thirst, as well as the grassy sward, were dried up by the summer's heat. "The water and the verdure," I said to myself, "will be renewed every year, at the same time; but they will not bring back that famous navigator: only remembrance of him will remain with us."

From the rancho where we had slept we had experienced a notable change in the temperature. In the vicinity of the anchorage at Yerba Buena the air was always cold and penetrating; but hardly had we made some leagues into the interior than the heat, increasing steadily, delayed not in becoming uncomfortable. In looking back toward San Francisco, we could see, as it were, a wall of fog which seemed to be, and actually was, stayed upon that part of the horizon, while the rest of the sky was cloudless. This double phenomenon, of so abrupt a difference in the heat and in the clearness of the atmosphere, though singular, did not appear to me to be inexplicable.

San Francisco Bay is situated in a reëntering angle of the coast, where the northwest wind blows directly and acquires more violence as it is forced into this species of funnel. It introduces with it a dense fog and a mass of cold air which it brings from the sea and the northern lands. The mountains on the coast arrest a part of this column of air; but that which passes above, or enters by the channel, all at once finding a large space, spreads over it and loses its strength: the heat then increasing in inverse ratio to the diminution of the wind, rarefies the moisture, which dissipates as it rises into the upper regions of the

atmosphere, and leaves the earth to the action of the sun and in an almost perpetual calm.

As we went on, the mountains we had on our right, and which, beginning at the entrance to San Francisco, are at first barren and sandy, were covered with forests and fir trees up to their summits. Soon we reached an immense grove of beautiful oaks, mixed with some other full grown trees, into which we penetrated by an even and comfortable path. These magnificent woods, planted by nature, are not tangled with lianas or shrubs; they are arranged in thick, dense clusters, or scattered here and there, without, however, leaving between any considerable clearings. A grass of tender green is everywhere spread out like a carpet, and the traveller regrets that such beautiful spots have no other inhabitants than coyotes and bears. But we saw no animal of this latter species. They seldom attack passers-by; but the sight of them, and their odor, being enough to frighten horses and render them unmanageable, I felt, on examining myself, all that a rider of moderate skill could, in like case, in being exposed to danger.

I noticed that the larger number of the oaks of this forest were covered with mistletoe. If this parasitic plant had been as common in Gaul, our ancestors would not, perhaps, have taken it for a symbol of their religion. The trunks and branches of the trees, enwrapped with this strange vegetation, proved sufficiently, at least, that the beautiful priestesses of Teutates⁴ had never walked there armed with their golden sickles.

But to return to more modern ideas, I saw with a feeling of pain that such fine material was destined to decay uselessly on the margin of one of the most magnificent harbors in the world: each knee (*courbe*), that piece of wood so difficult to find with us, that I saw as I passed, made me suffer the punishment of Tantalus. I should have liked to transform the forest into an immense fleet, whose masts I saw, still bearing their foliage, wave upon the nearby mountains.

Leaving this great wood, we came out upon a plain stretching from the foot of the heights to the edge of the bay, with a width of about five leagues, and a much greater length. No more shade protected us from the rays of a burning sun; and not a breath of air cooled the scorching atmosphere. We soon saw Mission Santa Clara; but by an effect of mirage, it appeared to us at first resting in the middle of a great lake, and the trees with which it is surrounded seemed to rise out of the water as in a flood. But this imaginary water fled before us while keeping the same distance, and the objects, one after another, becoming free, we saw the establishment in its true position, in the center of the plain. It was a similar illusion which, in the campaign of Egypt, deceived our soldiers dying of thirst, with the treacherous hope of refreshing themselves in the calm, clear waters of those fantastic and delusive lakes.

I was cordially welcomed by Padre José Viader, president of this mission: he was finishing his dinner and making ready to take his siesta; but he remained until we had been served with dinner, and beds prepared. The buildings at

⁴ [Teutates, the god of commerce and inventor of the arts. The feast of Teutates was celebrated on the first night of the new year, by the light of torches.]

Santa Clara are not constructed with as much splendor as those of San Luis Rey; but this mission is, notwithstanding, no less rich and productive than the other. I remained here five days, awaiting M. R....., and had some trade.

It was the time of the corn harvest, a time of joy and mirth in the fields of France; but no sentiment of this nature was shown upon the features of the Indians busied in this labor; it was quite simple: let them harvest little or much, they could claim only their daily pittance, and little it mattered to them that there might be anything left over. This interesting sight brought back to me, none the less, pleasant remembrances; so I did not fail to be there, especially at the moment they were collecting the grain.

The threshing-floor the padres use is round; it is sixty feet in diameter, and entirely enclosed in a palisade. When it is filled to a certain height with ears of corn without husks, a herd of mares are let in and made to run round and round for two hours: these are relieved by another band, and so on, until there remains no more grain in the ears. Horses are never used for this work, as it ruins the animals; and because mares, which are not ridden, are fully as fit for bearing foals, though they may have bad legs in consequence of this exercise.

The amount for each threshing furnished three hundred *fanegas*⁵ of corn; and from a very approximate calculation, Padre Viader counted upon four thousand *fanegas*, of one hundred and twenty-five Spanish pounds, or about fifty-six kilogrammes: thus, his entire harvest should produce two hundred and twenty-four thousand kilogrammes.

This quantity, which at first appears enormous, was, however, only sufficient for the nourishment of the twelve hundred Indians at the mission, and of the strangers received there during the year. To obtain these four thousand *fanegas* of corn, the padre had sown two hundred: thus the land had given only twenty for one, which is much below one hundred for one that M. de la Perouse attributed to the soil of this country; yet the harvest had been good. It is, nevertheless, beyond a doubt that it would return more if it were fertilized; for until now the missionaries have sown with no other preparation than a very imperfect plowing.

Barley, French beans, peas, and kidney beans give about the same result. Beyond these means of existence, Mission Santa Clara possesses at least twelve thousand neat cattle and fifteen thousand sheep. At the time of my visit there the padre was having killed each week one hundred and fifty cows and oxen, for the hides and tallow. Part of the meat was dried and reduced to *tasajo* [jerked beef]; but the larger portion was lost, though the Indians consumed every day a great amount.

About a half-league southeast from Santa Clara is situated the village of San José, inhabited by free Californians and some foreigners. This hamlet, dignified by the title of *pueblo* (town), was established some years after the mission, and grew at first to some extent. Fine gardens are seen here; the inhabitants own

⁵ [A *fanega* is about an English bushel.]

herds and harvest grain; but the natural laziness of these creoles, and other things, of which I shall soon speak, have arrested the development of, and brought decay to, this establishment, consisting now of eighty houses and eight hundred people, one-sixth included therein being Indian servants. The road leading from the mission to the pueblo is shaded by two rows of fine trees, planted by man's hand; it is the only walk of its kind which California possesses.

During my stay at Santa Clara I went also to Mission San José, lying four leagues to the north, and I spent twenty-four hours with Padre Narciso, who managed it. Together we took measures for the delivery of the hides and tallow he owed me, in consequence of his purchases on my former trip to San Francisco, and of those he even then added to them.

This missionary was a well-educated man, and he read much; but whether he chose the most melancholy works, or had eyes only for the most lugubrious passages, he seemed no longer to perceive things except through a funereal veil: never has a soul held less cheerfulness than Fray Narciso's. At this time he was entering into the lucubrations of Abbé Baruel;⁶ and without pretending, he said to me, to maintain his hypotheses, he believed he had discovered in the Masonic societies the fulfillment of the revelations of the Apocalypse: the spirit of agitation and revolution which was troubling almost every government was, according to him, nothing else than Antichrist. The conversations we had upon the political situation of Mexico were not suited to give rise in him to more cheerful ideas. What I learned from him of the plans of the Yorkinos had too much analogy with his habitual thoughts not to renew the attacks of a sadness I sought in vain to oppose: the more efforts I made to reach this end, the more reasons he found for groaning over the evils ready to fall upon the universe, and he concluded by announcing to me the very near end of the world. But his talk, without convincing me, had enveloped my imagination in deep perplexity. When I no more saw his sad abode, I was like a man awakening from a painful nightmare.

During this little excursion, M. R..... had arrived at Santa Clara where we joined each other once more. We imparted one to the other the result of our operations, and agreed that he should remain at this mission to load the tallow and hides upon the boats I should send him from San Francisco.

On my return aboard the *Héros* I found a favorable reply from the general, empowering me to stay at the anchorage at Yerba Buena; and I entered at once into trade with the inhabitants; but Don Ignacio, vexed, no doubt, at the success of my attempt, having made some difficulty in regard to embarking of the goods various individuals brought for sale or barter, I found myself obliged to write him a very forcible letter, in which I declared that he could have no mission for meddling, either in the customs receipts, or in my business affairs, the deputy of the custom-house being the only person with whom I was to deal in this

⁶ [Augustin Barruel, the usual spelling, Jesuit and abbé, born 1741; when the Jesuits were expelled from France, he went to Bohemia and Vienna where he taught; returned to Paris, 1774; wrote much on ecclesiastical subjects; visited England where he prepared his *Mémoires sur le Jacobinisme*, 1797-1813, 5 vols.; named by Bonaparte *chanoine* of the cathedral of Paris; died 1820.]

respect, and that henceforth I should obey no order issued by the military commandants, in what should concern the deputy's functions: from that moment I experienced no more trouble.

I despatched to Santa Clara a large sloop belonging to Mr. Richardson, which was very useful to me for the remainder of my operations in this port. The ship's long boat did jointly the same service; but it was very small for these trips, which could not be made in less than three days. In this small sea, where the wind blows from a direction opposed to the current, the waves become very big; and there is some danger for boats heavily loaded.

XIV

Trip to San Francisco Solano. — Deer hunting. — Expedition of Second Lieutenant Sanchez. — Wild Indians. — Their filthiness. — Visit to San Pedro Rancho. — Attack by a bear. — Watering place.

While the transfer of the goods from Santa Clara and San José was continued, I undertook an expedition to San Francisco Solano, the last one established of the five bordering the bay. I was informed that a certain amount of deer tallow was to be found there, and I did not like to leave it for others to buy. The 4th, at four in the morning, I set out in the ship's long boat, well armed, having with me eight sailors, the second lieutenant, Dr. Botta, and Mr. Richardson, who took upon himself to be our pilot. We profited by what remained of the ebb tide and by a light breeze from the northwest to cross the bay, going by Alcatraz Island (Pelican Island). We recognized this name had been given to it with good reason, for it was covered with a numberless quantity of these birds: a rifle shot we fired across these feathered legions made them rise in a dense cloud with a noise like that of a hurricane.

We then passed between the right bank of the bay and Los Angeles Island (Island of the Angels) [Angel Island] where the flood began to favor us. The coast we were passing is formed of mountains of moderate height, covered with grass, at that time somewhat parched; in the ravines we saw clumps of oaks. From time to time we descried large deer herds. They were wandering in bands over these sloping pasture grounds, and we saw them run, browse, rush over the sides of these hills, so steep sometimes, that we could hardly imagine how they were able to hold themselves there without falling.

There are also many bears in these wooded places; but as these animals seldom appear except at night, we saw none. But a man named Cipriano, who was with us in the long boat, related to me that, passing some months before in this channel, one of these ferocious beasts, which was swimming to Los Angeles Island, approached the boat, intending to climb into it, when some soldiers who were in it, with their arms, fired four balls at it at close range, just as the bear was getting its claws upon the boat, and killed it stone dead.

We had made about five leagues when we found ourselves in front of Mission San Rafael, placed at the farther end of a bay, on the north side of the harbor. This mission is very poor and has nothing for barter: we did not stop there.

The east side of this little gulf makes, with a peninsula from the opposite coast, a strait a league wide, and contracted by four small islands, of which the principal two bear the names of San Pedro and San Pablo: the name San Pedro is also given to a rancho occupying the isthmus joining the peninsula to the mainland.

Coming out from this strait we saw opening before us a new sea, whose bounds we could hardly discern, and soon our attention was called to another passage serving at once as a mouth to the large river called the Sacramento coming from the north, and to another, not so considerable, which flows from the southeast.

With the assistance of oars and of the current we steered north-northwest, toward a group of mountains at the foot of which is built Mission San Francisco Solano. I reckoned we had made thirteen leagues from Yerba Buena when we reached the opening of a small channel meandering in the middle of a marsh covered with reeds, and into which we entered. This stream makes a thousand turns as it advances into the interior; and although from its mouth to the spot where we landed there are not more than three leagues in a straight line, we made fully double that many in following its windings.

This passage, however, could not be shortened by making it by land; for, up to the landing place, there is no solid ground: the banks of the channel are indicated only by rushes or reeds growing in the water, or at most in a kind of mud. Having arrived at solid ground, there still remained a league to make before reaching the mission; but Padre Ventura Fortuni (this was the name of the president), apprised of our landing, having sent us some horses, we were not long in repairing thither.

From my reckoning we had made about seventeen leagues, in a direction very close to north, since leaving the ship, a calculation agreeing well with the difference in latitude between the two points, Yerba Buena being on parallel $37^{\circ} 48'$, and San Francisco Solano on $38^{\circ} 39'$.

This establishment is the northernmost of those the Spanish possess on this coast. It was founded the 25th of August, 1823, by Padre Altimira, who placed it in the middle of a plain of great extent, bounded on the north by mountains and hills, on the south by the bay, and everywhere watered and crossed by streams of fresh water. There are few happier sites, and this mission might become a very important one in a little time; but it was yet of small account at the period of my visit: therefore poor Padre Ventura Fortuni, in spite of his desire to treat us well, could offer us only cakes of Indian meal and dried beef. This want did not incline us to prolong our stay with him, and having hurried to buy all the tallow to be found at this mission, I fixed our departure for the next day.

I have said before that this tallow was deer tallow; and as this name may appear extraordinary, it is right that I explain the manner in which it is procured. The hills of this part of California, and the plains they leave between them, support an immense quantity of deer of prodigious strength and size. The

animals find such plentiful pasture ground here, that, in the month of July, they become so fat that their agility is much lessened therefrom; this is the time the Californians choose to take them.

Mounted upon the swiftest horses, armed with a hunting knife and with the fatal rope, they betake themselves to the places where the deer are numerous, and pursue them to the utmost. Although these swift guests of the plains have lost a part of their speed, enough still remains to them that they do not fear an ordinary horseman; but these men, born, so to say, upon their horses, seldom fail to reach them and to throw the lasso at them with inconceivable skill. As soon as the deer is snared, it is overthrown, and it is frequently pierced with its own weapons, rolling upon the sharp points of its antlers. This accident is not a rare one; but if it does not occur, the rider gets down from his horse, and, aided by his companions, he severs the hamstring, leaving it in this condition in order to follow the others. They do not always use the rope; when they succeed in nearing one within arm's length, it is the hunting knife they employ to cut the tendons of the leg.

This hunting is not done without a sort of tactics: one must know how to withdraw the animal from the woods and mountains, and to act so as to hunt it with the wind, in order that the deer, which runs away with open mouth to breathe and to be cooled, may want air sooner and be more quickly hunted down. But if this exercise demand much skill, it offers no less danger. Sometimes the rider, carried away by his eagerness, cannot avoid being thrown down with his horse into the clefts and fissures of the ground; sometimes darted ahead with too much speed, he cannot turn aside his steed soon enough, causing him to strike cruelly against the branches or trunks of the trees often met on his way. Even when the deer is snared and thrown down, great precautions are necessary in approaching and killing it: one has equally to fear the points with which its forehead bristles, and the toes of the hoofs arming its feet. I saw a horse which appeared to have received a thrust from a sword upon the thigh, but which had been wounded only by the cutting foot of a deer.

The flesh of these dead animals, from which the fat had been removed, remaining abandoned on the hunting ground, bears, attracted by this prey, come from all sides to feed upon it; and the hunters must often contend for the ground with these dangerous animals, which occasionally desert the battlefield only in losing their life.

I was pointed out a child of sixteen who had captured twenty-three deer in one day. Assuming that each one had yielded three *arrobas*¹ of tallow, this young man had earned, in his day's work, one hundred and thirty-eight piastres (about seven hundred francs). I bought from the soldiers of the guard at this mission, for four thousand francs, a supply of this product, the result of their hunting.

Before leaving, I accompanied the padre into his garden which I found in

¹ [An *arroba* is equal to twenty-five pounds.]

the most deplorable condition: thick grass and marshes had invaded a portion of it, and the rest was as badly planted as it was badly cared for. He showed me the place where, a few days before, some wild Indians of the neighborhood had killed two men of the mission, shooting them with their arrows while asleep. This murder was attributed to the hatred that *los gentiles* bear toward all the Christian Indians; but this time it appeared to be the result of revenge and reprisals.

The Spanish government of California has always followed the atrocious system of ordering, from time to time, excursions to the settlements of the interior, either for retaking the Indians escaped from the missions, or driving away *los gentiles* by exciting terror among them; expeditions which, while costing the life of some soldiers and many natives, have served but to nourish hatred. The last and most ridiculous one of these little campaigns was made in 1826, under the command of Alferez (second lieutenant [ensign] Sanchez. This is the cause of it.

After the harvest, the padre at San Francisco Solano had given permission to eighty of his Christian Indians to visit their old native settlements; and they were on the way in a large boat, going up the Sacramento River, when the savages, attacking them unawares in a confined spot where they could neither flee nor defend themselves, killed more than forty of them. As a result of this, an incursion was ordered and entrusted to the passionate ardor of Sanchez, who advanced into the country at the head of twenty or thirty mounted soldiers. At their approach, all the Indians able to defend themselves lay in ambush in the woods, when they shot their arrows at the troop, while it was impossible for the horsemen to reach them or even to see them; but they, enraged, revenged themselves upon the women and children who had not been able to flee; they massacred thirty of them, and returned, in shameful triumph, with two young girls and a child whom they brought prisoners, as a token of their victory.

Were one to ask these imitators and descendants of the Spanish if there be no other way of gaining peace with these people; imbued with the ideas of their ancestors, they give the Indians so inhuman a character that, to hear them, it is impossible to treat them otherwise. "They live," they say, "in separate villages; and if peace be made with one of these hamlets, it is a motive for attack by the neighboring villages, who regard its inhabitants as traitors, and who join together to destroy it." But if one considers that the missions are peopled only by these same men, and that the padres, using in turn mildness and severity, have been able to acquire over them the immense influence which keeps up these establishments, one cannot help thinking that the commandants at the presidios have taken the reverse of good policy as well as of humanity.

I noticed one thing which would seem to prove that the resentment against so lamentable a system has not gone so far as to render the natives unruly. At the time of the harvest, the missionaries at San Rafael and San Francisco Solano obtain as many *gentiles* as they want for helping them gather the grain. They come to these missions with their wives and children, construct their temporary

huts, and work in the harvesting for a small quantity of corn or maize which the padres give them. We found two to three hundred of them who had been at San Francisco Solano for several weeks.

Nothing is more miserable than the people at the little camp they had pitched in front of the padre's dwelling. The men are nearly naked, and the women have only a cloak made of narrow strips of rabbit skin twisted into strings and sewed together. This garment is very warm; but being thick it serves as a retreat for an immense number of those parasitic insects so disgusting to us; for them, on the contrary, it is a kind of portable poultry-yard, where, in leisure moments, each one selects his choicest dish. While the young men are letting fly their arrows at the beaver or the goat, their gentle friends are busy with another hunt; and on their return they are offered the succulent product in a mussel-shell; as the dandy offers a lady his bon-bon box of mint lozenges.

I could carry away in the long boat only part of the tallow I had purchased; and notwithstanding that, it was heavily enough loaded for the long trip we had to make. We set out at two in the afternoon and we rejoined our ship at two in the morning.

Some days later we went to visit San Pedro Rancho, situated, as I have said, on the isthmus of the peninsula projecting into the channel of that name. I had already had the opportunity of becoming acquainted with the worthy man occupying it: Francisco Castro was descended from a Frenchman who has left in California a large and estimable family. At eleven we arrived at the beach nearest to the farm where two of Castro's sons awaited us with horses. The friendliest reception was prepared for us in this truly patriarchal dwelling. Francisco Castro was a man of sixty years, of noble face and figure, and perfectly preserved. His entire family, comprising ten children and two daughters-in-law, lived under the same roof in perfect harmony: among her brothers and sisters one young girl of fifteen excited notice from her interesting face and charming deportment.

After an excellent dinner we mounted our horses for a visit to the property, covering four square leagues. There were some fields where grain had been harvested recently; but all the rest was pasturage supporting fifteen hundred to two thousand cattle and some hundreds of horses.

Returning to the house we found two of the young men preparing to go to attack a bear they had seen that morning some distance from the farm. They had the courtesy to propose to us to accompany them; but however attractive was this invitation, we did not feel we were good enough horsemen to take part in this fight, and we let them go alone. At the end of three-quarters of an hour we saw them returning, each one with a young cub fastened to his rope.

They had betaken themselves to the spot where they had seen the bear. It was a thicket of hazelnut trees interspersed with oaks. Finding nothing at first, they were gathering some nuts above their horses' heads when the two cubs appeared near them. Without reflecting that these young animals would not be alone, they threw their *lazos* at once at them; but with the first cry from her

little ones the mother, eating acorns in a nearby oak tree, dropped suddenly from her tree and ran up to defend them, with all of the rage inspired by her affection. The two young men realized the imprudence they had committed in using their weapons against weak enemies, and they had recourse to flight. But one of them was exposed to a real danger, for the furious mother-bear had thrown herself upon him and had seized his horse's tail, which he could not get loose from her except by turning his steed quickly to one side, the utmost speed of which hardly sufficed to save him from this ferocious beast.

These men are so accustomed to expose themselves in this way that they merely joked about the fruitless efforts of the bear; and Castro, who loved his children to distraction, hardly seemed to notice they had almost been torn by the claws of this terrible adversary: he told them simply that he expected them to be provided with a fire-arm, another time, to use at the last extremity.

The little bears they had not let go could have been three months old, and they were already the size of a large dog. They, as well as their mother, were a dirty white, mixed with grey and brown. All the bears in this country are of this color: there are very few black ones. I had them skinned, while keeping the bones of the head and the paws, and I carried away the spoils to the ship.

By the 19th everything we had to take at San Francisco was loaded, and we prepared to leave this port to continue the lading at other points on the coast.

At our first stay at Yerba Buena we had found water plentiful enough to be able to fill our casks; but then it was winter, and this time we could get only enough for our daily consumption; it was, further, not very good. Hence we had to seek another place for this supply, and we were shown a watering place on the other side of the bay, whither I determined to go with the ship in order to avoid loss of time that transportation by means of boats would have brought about. The right shore of the entrance to the bay, after having made the channel, turns abruptly to the north and offers at once a good shelter; it is here where is found an abundant and convenient spring, opposite which we anchored, a rifle-shot from the shore; and we took from the place our whole supply of water with the greatest ease in a few hours' time.

XV

Departure from San Francisco. — The ship Comète. — We continue to travel along the coast. — Hiring of the ship Waverley. — Trip to the pueblo of Los Angeles and to San Gabriel. — Earthquake. — Dress. — Peril the Héros is exposed to. — Departure for San Diego. — Agreements with M. R..... — Departure for Lima.

The 20th we set sail from San Francisco, and the next day we anchored in the roads at Santa Cruz: there we took on board what was owed to us and, the 26th, we again got under way for Monterey, which we reached in a few hours.

Coming to this latter roadstead, we were no little surprised to see the French flag flying on a ship there at anchor. This ship was the *Comète*, from Bordeaux,

coming lastly from the Sandwich Islands. I shall enter into no particulars regarding this strange expedition; I shall merely say that M. R..... had been the promoter of it, and that it had been fitted out by a chief of the office of the ministry of the interior, who had had all our secrets and had made an ill use of them in this way.¹ This work made manifest M. R.....'s inconsistency and bad faith, and had it succeeded, it would have utterly ruined the business of the *Héros*. But although a hurtful competition was, henceforth, impossible from this side, I found myself, nevertheless, necessitated to forbid all relations of interests between the captain of the *Comète* and M. R....., who had only shame for reward for his deceit. So no more will be said about this ship, which we left some days later in the roads in the utmost difficulty; the captain absolutely not knowing what to do with a part of the cargo remaining with him.

During our stop at Monterey we were busy in depositing in a storehouse all the merchandise which was not necessary in my coming voyage to Peru, and which, uselessly filling part of the ship's room, would have been exposed to insects feeding upon the leather bags of tallow.² M. R..... and two trusted persons were to be commissioned with the guard and sale of these things.

Besides the articles which might be sold in California during my impending absence, I agreed with M. R..... that, if we could charter a suitable ship, he should go to the northwest coast of America with all which was intended for that trade, and should sell them at the Russian establishment of Sitka. In this manner we avoided the necessity of going there with the *Héros*, whose voyage was already only too greatly lengthened.

We acted according to this decision, and having finished our affairs at Monterey, we turned toward Santa Bárbara, where we arrived the 15th, after anchoring, as we passed, at a place named Cojo, one league east from Point Concepcion, that we might receive some tallow owed us by Mission Purísima.

We remained at Santa Bárbara only for the time needed to receive the supplies from that mission and from those neighboring it. Here we found a schooner, under the Sandwich Islands' flag, commanded by an American [T. Robbins]. We proposed to the supercargo of this ship to rent it to us for the projected voyage to the northwest coast of America, and after some days this business was concluded; it was decided that the *Waverley* (this was the name of the schooner) should come to rejoin us at San Diego, in order that M. R..... might sail from that place.

We once more put out to sea to continue to go down the coast, and we moored, the 21st, in San Pedro Bay. The first news I received from Mission San Gabriel making me fear a delay in despatching the tallow we were come to seek, I desired to go myself to hasten the sending, and I set out immediately, accompanied by Dr. Botta and a guide.

For four leagues the way goes toward the north, across a rather barren plain; but after passing the rancho I have already mentioned, it enters great pasture

¹ This officer died before our return.

² Packings in cattle hides.

grounds stocked with large herds belonging to the inhabitants of the pueblo of Los Angeles. We were compelled to make a passage in the midst of this multitude of animals; frequently, however, the unfriendly designs on the part of the bulls advising prudence, we described around them a circle of judicious radius.

Leaving these fields, we encountered more than one forest of mustard, whose tall stalks were above the riders' heads, and made, as it were, two thick walls on the two sides of the way. This plant is become, for some years, a terrible scourge for part of California. It invades the finest pasture lands and threatens to spread over the entire country. The people could have fought this enemy in the beginning, by totally extirpating the first plants of this species becoming troublesome; but their neglect has permitted the evil to increase to an extent almost irremediable with so small a population. Fire, even, is an insufficient means, which has been employed unsuccessfully. When the stalk is dry enough to burn, it has already sown a large part of its seed, and fire serves but to make the ground the more suitable for the reproduction of the plant one wished to destroy.

The pueblo of Los Angeles is built at the base of a chain of hills of moderate elevation, and upon the bank of a small river which does not run dry in summer. This little city is twenty-six miles north from San Pedro Bay. We stayed at the home of an inhabitant whom I had known before at San Diego. Before sunset we climbed a height of ground whence we discovered, like a dot, the *Héros* at anchor, to the right of the little Anniversary Island. "See," we said to ourselves, "the atom carrying all our hopes, and of which each of us takes up but about the four-thousandth part. How small is man! And how small also is one of his finest works!"

From the same spot I counted eighty-two houses comprising the pueblo, from which I inferred it might have one thousand inhabitants, including in this number two hundred Indians, servants or laborers. The environs of the village and the low lands dividing the two channels which form the river, appeared to me cultivated with some care. The principal produce consists of maize and grapes. The vine succeeds very well; but wine and brandy extracted from it are very inferior to the exquisite taste of the grape used for it, and I think this inferiority is to be attributed to the making rather than to the growth.

What struck me chiefly on entering this village was the air of cheerfulness, ease, and neatness which, it seemed to me, characterized the inhabitants, and which I had not observed at any of the presidios: so true is it that agriculture is, for free men, an abundant source of happiness; and that, on the other hand, everything is distress and uneasiness in a military establishment. There is wanting to this rising city, that it might offer the advantages of civilization, only an upright and independent tribunal to decide and regulate the disputes arising among individuals. The authority of an *alcalde*, uniting the functions of mayor and justice of the peace, is insufficient to assure the sacredness of property, the claims to which are, besides, so doubtful that they give occasion, at every instant, to disputes and often, even, to unjust spoliations, as I shall relate before long.

As it is at the pueblo of Los Angeles I have observed the most order in the fashion of the people, this is the place to say something about their dress; and as this is, furthermore, closely related to that of Lower California, it might lead me into repetitions, which I ought to avoid in treating of this subject only once.

Only the men have a dress which can be called national, and perfectly adapted to their mode of life, which is to be almost always on horseback. They wear short trousers of wool or velvet, dark in color, ornamented at the knee with gold or silver lace; but they never button it at the knee, though it seems made for that. Below the open short trousers are large white drawers, descending half way down the leg, and covering a part of the white stockings always worn loose: the Californian who had on stockings well drawn up would excite a burst of sarcastic remarks. Their outside waistcoat is usually of the same stuff as the trousers; it is without a collar, and is trimmed with piping and with red ornaments. The numerous metal buttons on it are not used to close it; the two sides are not wide enough to join over the breast. As they do not use suspenders, the white shirt always shows between the vest and the trousers; to obviate this difficulty they wear a red sash, wound several times around the waist, and which they call *faja*.

Their shoes are a kind of buskins of skin which they fasten on by lacing on the outside of the foot; the vamp is divided lengthwise into two parts, one yellow, the other brown, and the whole shoe is adorned with embroidery with quite good effect: at the heel of the shoe is a little edging of fringed leather, serving to bear the weight of the monster spur which they use. When they are on horseback they wrap their legs in *gamuzas*,³ as in Lower California: this is the portion of their dress in which they display the most vanity; the manner of rolling it about the calf of the leg is the touchstone of good Californian style. Woe to him whose *bota* would permit the shape of the leg to be made out! The young man the best dressed must appear to be supported upon two thick sausages, and as if to add to the illusion, the *bota* is made tight in the middle of the calf by a cord braided of gold and silk, the work of their lady-love.

The hats they prefer are of felt, flat in shape and with wide brim. To protect themselves from the cold, they have a cloak which is nothing else than a piece of stuff with a hole for allowing the head to pass through, used in all the Spanish colonies of America, and which is called, now *poncho* now *manga*. The ensemble of this costume is far from wanting in beauty and splendor, but its greatest advantage is in permitting perfect freedom to all the movements of the body.

The women are ludicrously dressed: their costume is a bizarre mixture of foreign and Californian fashions; it is, particularly, when they borrow something from the Mexican women, that they become extravagant; for these Mexicans (those at least who were in California) are so laughably dressed, that one should have a large portion of gravity to preserve any seriousness in the presence of their toilet.

³ [*Gamuza* — chamois leather.]

I still recall the merriment seizing us at sight of the headdress beautifying, one holy day, the two daughters of Miguel Gonzalez, commandant at Monterey. I do not know which one of us had made them believe that two of those pasteboard melons which our ladies made use of for some time to carry about their work, were the latest style of hats in Paris, and that they had only to add some ribbons and feathers to give them the finishing touch. They bought them eagerly, and having trimmed them according to the instructions which had been given to them, they believed they would make a lively sensation, and cause all the Californian women to burst with vexation; but we had charitably taken the whole community into the secret, so that they were greeted with a general explosion of loud bursts of laughter, and the name of *cabezas de melones* (melon-heads) remained with them.

One sees, then, very few Californian women keeping strictly to the extremely simple costume of the country, which is composed of a petticoat, the upper part white and the rest red; this is the *enaguas* which I have spoken of in another place: it hangs from the hips where it forms a much puffed-out pad. A white shirt of the same form as the man's, a *rebozo* [muffler] of blue and white cotton, white stockings and black shoes — there is their complete attire. In general they have very beautiful hair which they allow to fall behind in a thick braid, as do the men. Those whom coquetry obliges to have something more formal, wish to become elegant, and are only grotesque. We should prefer still more the completely indigenous dress to the hodge-podge of their stolen toilet.

The day after our arrival at the pueblo we went to Mission San Gabriel, distant three leagues to the east-northeast. It lies at the foot of very high mountains, in a fertile plain abundantly provided with running water. Although this mission is, undeniably, the wealthiest in California, its buildings are far from equalling in beauty those of San Luis Rey. The church had been thrown down, two years before, by an earthquake, and they were busy in building another.⁴ San Gabriel's wealth consists of immense herds and fine vines producing very good wine: they were at this time loaded with ripe grapes, the purple and juicy clusters hanging down to the ground.

The kind welcome I received from Padre [José] Sanchez, president of the mission, would have made me consent to prolong my stay there; but being able to obtain from him only as much as my lading exceeded that of the ship *Solitude*, which had preceded us by some days at San Pedro, I was so vexed with this delay, that I would not remain longer at San Gabriel; and despite the padre's entreaties, I went back to sleep at the pueblo, to return to the port the next day.

About eight in the evening we were having tea with Don José Carillo (this was the name of my host) and his family, when a severe earthquake shock was felt. Their first motion was to rush into the yard, where I followed them at once; but almost immediately I recollected that Carillo's son, a young child of

⁴ ["Very strangely there is no other record" than the above "either of the earthquake of 1825, or of a new church at this mission" . . . but "some damage had been done to the building in 1812." Bancroft: *Hist. of California*, Vol. II, p. 568.]

eight years, who was confined to his bed by a burn on the foot, was left sleeping in the reception-room, and I ran to find him. I had brought him in my arms into the midst of his relatives while they had not yet noticed their forgetfulness; and it was only after a new shock that the mother came weeping to thank me for what I had just done. Her fright had been such, that all other feeling than that of her safety had disappeared.

An earthquake is so awful a phenomenon that I was not surprised at the negligence of this tender mother, who passionately loved her only child. This terrible scourge shows itself under so dreadful an aspect, and gives so unexpected and instantaneous effects, that it sometimes suspends all our faculties, and takes away from some persons even the wish to flee: they have been seen to remain as if petrified, exposed to the fall of a building, without being able to take a step to avoid the danger of being buried under the ruins. If, at Lima, an earthquake be felt at night, which occurs very frequently, the streets and squares are seen to fill in an instant with naked men and women. I know well that Thisbes are very scarce in Peru; but it must be admitted that it is only an insurmountable terror which can thus make women forget all thought for their modesty. It is not, then, astonishing, if vital motion be in some sort arrested, that the duties of the heart, even a mother's heart, may be momentarily suspended.

The 1st of October there still remained something to take on board; it was quite against my wish that I saw myself kept in this poor roadstead, when the advanced season made me fear being surprised by some sudden storm. My fears were justified only too soon; for the morning of the 4th I came near losing the ship.

During the night of the 3d to the 4th, the weather became threatening, and the wind blowing for some instants from the southeast, I had the small anchor raised at once, and made ready to set sail; but the threatening symptoms having diminished, I awaited the day to judge better of the weather. At sunrise everything foretold a squall from the sea, and although it was almost calm, I sent to the beach to get some leather bags of tallow, and some other things still there, in order to be ready to set sail on the return of the boat. During this time the breeze strengthened, and there was not an instant to lose. The boat having returned, we veered at once on our chain. We were moored very near the rocks of the coast, in five fathoms; and the wind coming directly from the sea, the anchorage was one of the most ticklish. But one circumstance made it still more difficult. We had, as I have just said, raised the small anchor during the night, and the ship remaining thus on a single anchor for several hours, it had moved around and had fouled it with the anchor stock;⁵ so that we still had more than twenty fathoms of the chain out when the ship began to drive. But the promptness with which all sail was set, while, on the other hand, the working of the capstan did not slacken, saved us. The ship began to run, dragging her anchor while we finished raising it, and we succeeded in doubling Anniversary Island

⁵ I shall not attempt to explain these various terms; every definition would be insufficient to make persons unfamiliar with nautical matters understand this situation.

at the distance of a pistol shot, grazing the bottom in three and a half fathoms. Once this danger overcome, we tacked to the side and left the bay. On this occasion we again owed the safety of the ship to the number and activity of the crew. Had we remained at anchor, the fouled anchor would not have held, and being too near the rocks to have time to cast another to advantage, we should probably have driven onto the coast.

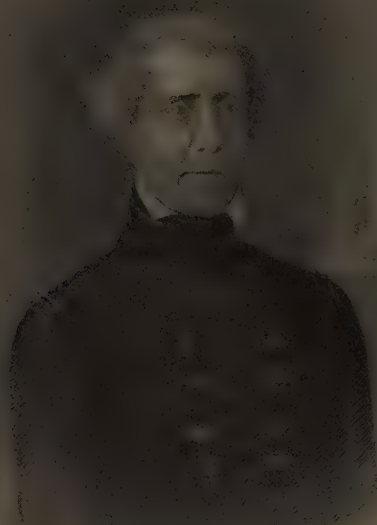
Scarcely were we out of the roads when the wind became violent; but we were no longer uneasy, and we passed through this little hurricane quietly between San Pedro and Santa Catalina Island. The next day the weather was again calm, and the wind had retaken its ordinary direction from the northwest: we returned to the roads in the bay, and without casting anchor, we sent the long boat to the land to take what tallow was come for us during our little absence, and as soon as it had returned, we made ready to go to San Diego, where the lading was to end, sheltered from like sudden alarms.

In this port we found the *Waverley* which had preceded us thither by some days. We busied ourselves in taking on supplies of wood and water. The first is easy enough and costs nothing; it is procured on the barren peninsula making the southern side of the harbor, where shrubs and bushes growing there are cut. As for the water, it is very scarce in summer: we were forced to buy it at the presidio and have it brought in a cart.

The evening of the 12th, on returning to the port, my horse fell, and dragged down in its fall, I felt a sharp pain in my right shoulder. I remounted, however, and still made more than a league before reaching the ship, which I boarded without assistance; but at the first examination, Dr. Botta told me I had broken the clavicle. This accident could not have happened to me more unseasonably. I had on all sides many matters of business without, and on board I had to settle all my accounts; to give instructions to the persons I was leaving to guard the storehouse at Monterey; finally, to draw up in writing my agreements with M. R....., relative to the voyage he was going to undertake to the northwest coast.

It was agreed with this latter that, during my absence, which would be from five to six months, he should return to Monterey with the *Waverley*; that he should load on board this schooner the merchandise he should judge suitable; that he should first go to the American establishment of Columbia River, and that, if he did not succeed in bartering there all of his cargo, he should thence go to the Russian colony of Sitka, in Norfolk Sound, where we hoped he would negotiate the remainder to advantage, in exchange for the skins of the seal and the sea otter. He was then to return to Monterey, where we would rejoin each other on my return from Peru. Everything being thus arranged, I set sail for Lima on the 20th, leaving the *Waverley* ready to depart the following day for Monterey.

[TO BE CONTINUED]



BRIG. GEN. KEARNY.

W. B. Kearny

From a steel engraving in Cutts' *The Conquest of California and New Mexico*, Philadelphia, 1847.

THE MEXICAN WAR AND THE CONQUEST OF CALIFORNIA

STOCKTON OR KEARNY CONQUEROR AND FIRST GOVERNOR?

My interest, professional and personal, challenged by the extraordinary opposition in judgment among historians upon the important historical question whether Commodore Robert Field Stockton and the Navy or Brigadier General Stephen Watts Kearny and the Army conquered and first governed during the Mexican War the Mexican Province of Upper California from which the great States of California, Nevada, Arizona, Utah, Wyoming, and Colorado have wholly or partly been constituted; illustrated in the writings of Professor Justin H. Smith, recent historian of the Mexican War, and Professor Robert McNutt McElroy, sometime at Princeton, now at Oxford, Professor of American History; Professor Smith casting Kearny in the lowly rôle of "Lieutenant to Commodore Stockton," in the expedition resulting in the conquest; while Professor McElroy, in his *Winning of the Far West*, attributes the command of this expedition and by necessary implication the conquest and first governorship to Kearny; I searched the original documents and the testimony of Stockton, Kearny and Lieutenant Colonel John C. Frémont, the principal actors in the conquest, embodied in the proceedings of the courtmartial of Frémont, tried and sentenced to dismissal from the army for acknowledging in Stockton and denying to Kearny the chief command and the authority to govern; and became convinced that the fault lay with the historian in treating a problem, essentially legal, as purely historical; and that its solution would be furthered materially by considering it from the viewpoints of the conception of conquest and military government under our system of law; the inalienability of Kearny's powers; the issues joined by the parties and judged by the court; the three theories of Frémont's defense; and finally the extent of Upper California over which the conquest extended.

Formally the trial of Frémont, but described by him as "Stockton's in the person of Frémont" and of which Stockton testified, "I am testifying in my own case in some sort," and thus in reality the trial of Frémont and Stockton; the trial was founded upon charges of "mutiny, disobedience to the lawful commands of General Kearny and conduct prejudicial to military discipline," and arose out of the following events in American history.

Brigadier General Stephen Watts Kearny, instructed by President Polk through letters of his Secretary of War, W. L. Marcy, dated June 3, and 18, 1846, "to take the earliest possible possession of Upper California," a territory extending approximately from the western base of the Rockies to the Pacific, north of the Gila River, and south of parallel 42°, being the northern line of California extended; "and with that view to command thither an expedition" and "should you [Kearny] conquer and take possession of the province or any considerable portion to establish a civil government"; in command of the "Army of the West" left Fort Leavenworth, June 30, 1846; proceeded toward New Mexico, and during August and September conquered, occupied and set up

a civil government in that Province under an organic law then, as now, known as "Kearny's Code."

Leaving directions for troops to follow immediately to the Pacific, where the Government had advised Kearny "it was expected that the Naval forces will be in possession of all the towns on the seacoast and will cooperate with you in the conquest," and that additional forces and supplies from the fleet would await him; Kearny left New Mexico and entered Upper California in early October, 1846, in command of three hundred of the First United States Dragoons.

On October 6 Kearny received an "express" consisting of letters and reports being carried by "Kit" Carson, famous scout, to Washington from Commodore Stockton, commanding the Pacific Squadron, and Major Frémont, announcing that Stockton had during August, 1846, conquered and set up a civil government in Upper California; and acting upon this information Kearny sent back to Santa Fé two hundred of his men and continued his march to the Pacific "with a mere bodyguard of one hundred Dragoons," taking Carson as his guide.¹

Moving along the general direction of the whole course of the Gila River; and arriving, December 6, at San Pascual, 35 miles east of San Diego, Kearny, to his astonishment, found himself opposed in superior force by a party of Mexican cavalry under General Andreas Pico.

Kearny immediately attacked and in several engagements drove the Mexicans from the field; his unprepared and exhausted force suffering severe losses of officers and men, himself being twice severely wounded. On December 8, after giving orders to advance, but counseled by the expedition's doctor that "to proceed would endanger the lives of the wounded," Kearny deferred action until the 10th, when he directed his force to go forward on the following morning. During the night, through an heroic act of Carson and Midshipman Beale, sent to seek aid from Commodore Stockton, the Dragoons were joined by a party of sailors and marines and proceeded without contact with the enemy, reaching San Diego on December 12.

Upon his arrival at San Diego Kearny learned that, whereas an apparent conquest of Upper California west of the Sierra and north and south of Monterey, a point equally dividing the Province, had been accomplished during August, 1846, when Stockton proclaimed himself Commander-in-Chief and

¹ Both Nevins and Bashford and Wagner cause Kearny to send back two-thirds of his adequate command solely upon Carson's irresponsible (but of course not irresponsible) claims of conquest. But Stockton's and Frémont's letters and *official reports* caused Kearny to so do. For Johnson's diary entry for Oct. 6 showed that Kearny went to California "with a mere bodyguard" (Benton) on Stockton's and Frémont's representations: illustrated by Kearny's report of Dec. 12, 1846, which bases his act upon an "express" borne by Carson and consisting of letters and documents from these officers, *then* of the Navy, reporting that "California had been conquered," "the war at an end," "the Mexicans surrendered," and "a government established." Hence Bashford and Wagner's allocation of guilt to Kearny for the "carnage" at San Pascual must be viewed in the light of the fact that Kearny emasculated his command upon Stockton's and Frémont's false (however, unintentionally so) claims of conquest; due regard being given to the fact that Stockton's orders to occupy the ports only, with no power to govern, and *only such ports* as he could *hold*, implicitly contemplated an overland expedition, with which such reckless despatches (if so be) might have, as was the fact, seriously interfered. Polk's cabinet *unanimously* supported Kearny. (See Polk's Diary.)

Governor in California; yet during September and early October the Mexicans had expelled the Americans and had reoccupied and still held and governed the whole of that half of the Province south of Monterey except San Diego.

Finding Stockton claiming the chief command and governorship by virtue of a claim of conquest and the establishment of a government prior to Kearny's arrival in the territory, Kearny, on December 12, delivered to the Commodore his instructions to take possession and govern; and on December 29 claimed command under them of an expedition then about to start to possess itself of the country, which Stockton "agreed" to give him; and on that day the expedition started accompanied by Stockton and Kearny; resulted in the battles of San Gabriel on the 8th, and the Mesa on the 9th of January, 1847, in which the Mexicans were routed; Los Angeles entered on the 10th; a capitulation signed on the 15th; and the entire Province, east and west of the Sierra, at length acknowledged the authority of the United States.

At Los Angeles, Stockton still persisting in his claim to the supreme authority, military and civil, pretended, against Kearny's protestations, to appoint Frémont Governor and Military Commandant; and based on these pretensions Kearny later arrested Frémont and he was brought to trial in Washington before the courtmartial on the charges already stated.

The Government established its case by putting in evidence Kearny's instructions from the President; and then by showing acts of Frémont, as Governor and Military Commandant, under appointment from Commodore Stockton.

Frémont proposed three defenses, pleading the nullification of Kearny's instructions by reason of Stockton's prior conquest; an actual delegation of their powers to Stockton; and Frémont's exercise of the chief command and governorship under lawful appointment from Commodore Stockton as prior conqueror and governor.

Senator Benton, Frémont's distinguished counsel and father-in-law, formulated the argument for nullification and stated the only testimony borne to support it during Kearny's cross-examination against objection by the Judge-Advocate to a question purposed to show the exhausted condition of Kearny's forces at San Pascual and so his inability to reach the Pacific without Stockton's assistance.

"The right to establish a civil government," argued Benton, "was contingent upon the fact of conquest. Should the conquest be made and possession taken, Kearny was then to establish a government. Now if there was no conquest to be made; if the work had already been done and a civil government established, the case anticipated by the orders could not exist, and then his orders, having nothing to operate on, were null. If now General Kearny took the express to make a guide of him to the conquered territory and could not have got there without the aid of Commodore Stockton, it became a glaring case of orders suspended by events no longer in force. The first part of the case has already been made out. When General Kearny, at the outset of his march, met the express of Commodore Stockton and learned that the country was conquered and a civil

government established, and a governor at the head of it, he felt his mission of conquest was at an end—that his orders were suspended by events—and immediately acted on that conviction and sent back part of his force. The second part of the case is that far from conquering the country he was not even able to get to it.”

The Court overruled the defense of nullification² by refusing to allow the question proposed to prove it; and by recognizing Kearny's subsequent exercise of his powers and by its judgment; but allowed General Kearny “at his special request” to negative the inferences drawn by Senator Benton.

“I went to California,” testified Kearny, “in compliance with instructions to me from the Secretary of War of June 3rd and 18th, 1846. I met an express from California sent by Stockton and Frémont, on the way with dispatches for Washington. I received no information which induced me to depart from my orders. In consequence of this information, I sent back 200 of my 300 Dragoons.”

Proceeding next to establish Kearny's delegation to Stockton of his powers, Stockton testified that, “At San Diego, upon reading Kearny's instructions, I twice offered him ‘the command over all of us’ and offered to go as Kearny's aide-de-camp”; but that “Kearny said no and offered to go as my aide-de-camp.”

From this phrase only, without other expressions to support it, Stockton swore he received the following astonishing “impressions,” as he styled them: That Kearny thereby “laid aside his commission as Brigadier-General”; transferred the command of his Dragoons to Commodore Stockton, or to use Stockton's testimony, “the Dragoons, as I supposed, had been transferred to my command when Kearny agreed to go along as my aide”; and Stockton swore he retransferred command of these Dragoons to General Kearny on December 29, or as Stockton testified, “The troops which on December 29th were placed by my order under the command of General Kearny were the Dragoons, Sailors and Marines”; and Kearny became “a volunteer officer under my command.”

The Court, we confidently opine, did not err in refusing to base its solemn judgment on these “impressions” derived from so frail a premise. But the proof is incontestable that Stockton, on December 29, knew well that Kearny did not accompany the expedition as Stockton's aide; but that Kearny then claimed the full exercise of his powers; and so the “impressions” and the inferences predicated upon them must fail.

“I continued preparations for the march,” testified Stockton, “under the impression that Kearny was going as my aide-de-camp; I was confirmed in that view by a note Kearny wrote that he would give me the aid of his head and hand”; the only document in which the word aid was employed.

“It seems, however,” continued the Commodore, “that I was either *mistaken*

² Prof. Justin Smith (*Mexican War* and in a letter to me) says that he thinks that it was “decided” that Kearny's orders were obsolete. But no decision, except the test decision, unconditionally negating Professor Smith's assertion, was ever presented to or decided by any court.

in my view or that Kearny had suddenly changed his mind; because on the morning of the day we left San Diego, December 29, Kearny gave me to understand that he would like to command the troops, and after some argument I agreed to appoint him to the command but retained my position as Commander-in-Chief."

From the use of this phrase of reservation of the command as well as from claims that Kearny subsequently acted on Stockton's orders, Frémont apparently attempted to impute to Kearny an implied recognition of Stockton's supremacy. But Kearny interpreted this phrase exactly as did the historian of California of great authority, Professor Royce, who writes that "Stockton, while giving the chief command of the government forces to Kearny, reserved to himself the chief command over the Marines"; and Kearny swore he interpreted Stockton's "orders" as "messages and expressions of opinion and suggestions to which he gladly deferred because of the large proportion of marines under his command."

But this theory of reservation is untenable under military law, since Kearny could not, by recognition, vest Stockton with an authority the creation of which was reserved solely to the President.

Under military and naval law, Stockton could not put himself on duty by virtue of his commission alone, but only by virtue of an assignment by the President; and inasmuch as his instructions, identical with Commodore Sloat's, dated March 21, May 5 and June 24, and October 17, 1845, and of June 13 and 15, 1846 (indeed the orders of June, 1846, and of July 12, 1846, did not operate in, or affect Stockton's or Frémont's judgment, in California; since they did not reach California until *after Stockton's departure*), expressly limited his operations to the occupation, but not to the government, of the ports only and contained no authority whatsoever to take possession of, conquer or govern or to operate in the interior, an authority expressly committed to General Kearny exclusively by the President, Stockton derived his lawful authority solely from General Kearny; and this lawful authority did not extend over the expedition, as we shall see from General Kearny's testimony. Further, Kearny's authority under military law was incapable of delegation.

"It is an accepted rule," writes Major-General Robert C. Davis, "that no officer of the army can put himself on duty by virtue of his commission alone. Command is exercised, not by virtue of office alone, but by virtue of assignment by authority of the President. This rule has had a place in the army regulations since 1835. An army officer could not, in 1846, and cannot today delegate his command to a naval officer without the authority of the President. Failing designation from the President, General Kearny was without authority to delegate his command to Commodore Stockton." And in the official record of the War Department it is stated that "Kearny was in command of the combined naval and army forces at the battles of San Gabriel and the Plains of the Mesa." The naval records are silent.

But the Court found "Nothing impeaching the testimony on the part of the prosecution; nothing to qualify in a legal sense Frémont's resistance to au-

thority"; and so we now turn to Kearny's unimpeached testimony for the authentic version of these events.

Kearny, his command consisting of about 80 Dragoons, Stockton's of about 400 sailors and marines and volunteers, after delivering his instructions to the Commodore, told him that "while he had authority from the President to take charge of affairs that he would not relieve him until his command was increased"; to which Stockton replied, "that he had reported the condition of affairs to Washington and that he would not permit himself to be interfered with until he had received an answer"; an expression of Stockton's unwillingness to "cooperate with Gen. Kearny in the conquest" confirmed in Stockton's letter in 1848 to the Secretary of the Navy, in which he writes that, with his convictions in 1846, he would have resisted Kearny's interference by force; and realized by Kearny in his letter of January 16, 1847, to Stockton that "in order to prevent possible civil war he would have to remain silent for the present."

On December 29 Kearny, as he swore, claimed command of the expedition under Polk's instructions, to which Stockton agreed, "giving me command over the sailors and marines, instructing his officers to look upon me as their commander," adding, "I will go along as Commander-in-Chief in California."

"I commanded the troops on that expedition; Stockton's authority and command did not extend over me or over the troops, *the sailors and marines*, the command of which he had himself given me. I considered Stockton who occupied the relation to me of a colonel in the army, Commander-in-Chief in California until he had on the 29th of December turned over to me a portion of that command, consisting of the sailors and marines and a few volunteers; and I did not on December 29th relieve Stockton of his command over the troops not moving on that expedition, of which there were some at Sonoma, Bodega, New Helvetia and a few at San Francisco, command of which I had not yet claimed; and over which Stockton exercised the chief command until January 16 when in a letter to him I claimed the full exercise of my powers," stating, "that as a consequence of the defeat of the enemy on the 8th and 9th of January by the troops under my command and the capitulation in which the people under arms and in the field finally agreed to disperse and remain quiet, the country may now, for the first time, be deemed conquered and taken possession of"; to which Stockton replied that he would do nothing at Kearny's command and that he had conquered the country and set up a government prior to Kearny's arrival in the territory.

Specifically denying Stockton's "impressions," Kearny testified that at no time did he relinquish the exercise of his powers; or lay aside his rank as Brigadier General; or assign Stockton command over his Dragoons; neither did he acknowledge Stockton's supreme authority; or consent to act under his command as an aide or a volunteer officer.

But Frémont's principal defense lay in his appointment by Stockton, to whom he attributed supreme authority under the law of nations, as prior conqueror and governor.

Stated in Stockton's testimony, "I had no instruction from the President; I founded the Government incident to conquest under the law of nations"; and narrating his reply, December 20, about, at San Diego, to Kearny's claims to authority, Stockton swore "I replied: Your instructions are 'should you conquer you will establish a civil government'; I have conquered the country and established a civil government"; and stated in Frémont's written defense, "In order that Kearny should appear as conqueror and so set up a government under his instructions, the claim has been made that Kearny commanded the troops and gained the victory of January 8 and 9. Kearny bottomed his claim for chief authority in the Province on the expedition and its results."

And the Court itself accepted the issue thus framed by the parties as decisive. "The report of the Secretary of War," said the President of the Court in rejecting reports of the *President and his Secretary* claimed to witness Stockton's conquest in August as irrelevant in view of the events subsequently materializing, "relates to the conquest of California according to such insufficient information as had been received at the Department *prior to December 1846*, and it concludes the narrative by representing that Commodore Stockton had taken possession of the country for the United States in August 1846, and had appointed Lieutenant Colonel John C. Frémont Governor under the Law of Nations. The Court has examined the entire documents and finds nothing in them applicable to the case now on trial. It is not a question here whether if Commodore Stockton, *as supposed by the Secretary of War*, had conquered California and appointed Lieutenant Colonel Frémont Governor he would have acted according to the Law of Nations. Lieutenant Colonel Frémont is charged on this trial with resisting the lawful authority of General Kearny, sent to California by order of the President, *with instructions and authority to exercise the chief command, military and civil*. Neither the alleged resistance to General Kearny by Frémont nor the appointment of Frémont as Governor by Stockton in January 1847, when General Kearny was present and claiming the chief command under special orders from the President, could be contemplated in the reports of the Secretary of War or the President himself in December 1846."

The identity then of the conqueror, Stockton or Kearny, thus became the essential issue formulated by the parties and accepted by the Court; and we now propose to epitomize the evidence offered to establish Stockton's conquest.

Lieutenant and Brevet Captain John C. Frémont, of the Topographical Engineers, "without rank in the army," during May, 1846, while in Upper California, west of the Sierra, leading an exploration party, purely scientific in character, advised in a letter addressed to him as private citizen, by Senator Benton, to keep a vigilant outlook upon the activities of foreign nations in California, approached the sparsely settled parts along the Sacramento River and at the "urgent call," as Frémont expressed it, "of the American settlers," there assumed the leadership of a revolutionary movement, professedly without the sanction or knowledge of his government, and purposed to form a republic independent of Mexico and the United States, which was accomplished without opposition July

5, 1846, when the famous "Bear Flag" of this new republic was raised at Sonoma. At that time neither the Mexicans nor the Americans knew of the commencement of hostilities.

In the meanwhile, Commodore John D. Sloat, having learned of the commencement of hostilities; and commanding the Pacific Squadron with instructions to occupy the Pacific ports only (*supra*); occupied Monterey July 7, 1846; and through Captain Montgomery, the Port of San Francisco and several other northern communities already occupied by Frémont; but after conferring with Frémont and learning that Frémont had acted without orders, "declined," according to Frémont, "his services or to have anything to do with him"; and on July 29, vesting Stockton with command of the Pacific Squadron, left California.

Stockton immediately determined, despite his limited instructions, to conquer California; adopted Frémont's occupation along the Sacramento and incorporated Frémont and his revolutionary band of Mounted Riflemen, consisting of about 160 volunteers, into his command; occupied all the Pacific ports, and on August 13 Los Angeles, thirty miles inland, without opposition; the cavalry of the enemy withdrawing into the interior "in different parties and in different directions"; the Departmental Assembly adjourning; and its members dispersing; and Governor Pio Pico retiring to his ranch seventy miles inland; and General Flores leaving for Sonora.

Stockton then proclaimed himself "Governor and Commander-in-Chief in California" under martial law which he established; formulated but *never put into operation or appointed officers* of a civil government and made no attempt to occupy any other portion of the interior, which at all times was held by the enemy. The occupation, however, of the country south of Monterey lasted but for a month; for during September and early October the Mexicans attacked and expelled the Americans from all this southern territory; defeated two attempts by Captain Mervine and Commodore Stockton to reoccupy Los Angeles; whereupon the Commodore embarked for and occupied San Diego; and Frémont returned to the Valley of the Sacramento; each officer spending the next several months recruiting and equipping their commands to resume military operations. We have already traced Kearny's march from Santa Fé and the expedition to Los Angeles.

Such were the facts professed to show Stockton's conquest and government prior to Kearny's arrival and the battle of San Pascual; and in order to determine whether these operations substantiated Stockton's claims we will outline the definitions of conquest and government controlling the Court under our system of law. And first, as to the military authority to govern.

President Polk, on July 17, 1848, wrote: "In prosecuting a foreign war we have the right by conquest and military occupation to acquire possession of the territory of the enemy, and during the war to exercise the fullest rights of sovereignty over it. The territorial governments were authorized by virtue of the rights of war. These are well established principles of the law of war and have the sanction of the highest judicial tribunal in our country." And Secretary

Marcy has written "pending the war our possession gives us such rights as the law of nations recognizes"; and the Supreme Court of the United States sustaining "Kearny's Code" (New Mexico) wrote "in virtue of the power of conquest and occupancy Kearny ordained a civil government"; and again, "shortly after 1846 the United States had military possession of all Upper California and then the President authorized the exercise of the belligerent right of a conqueror to form a government." And as respects the extent of the conquest, Halleck, authoritative publicist, writes: "An enemy only possesses a country so far as it compels the enemy forces to retire. The occupation of part with intent to appropriate the whole gives possession of the whole only if the enemy maintains military possession of no portion of the remainder." And again, "Conquest depends on exclusive possession of the conquered territory."

And now as to the duration of lawful conquest and government.

"By the Law of Nations," writes Halleck, "conquest is a valid title while the victor maintains the *exclusive possession* of the conquered territory. A conquest comes to an end when an occupant withdraws or is driven out. To render military government legal there must be an armed force in the territory occupied capable of enforcing its actual occupation against all disputants." And Kearny's government in New Mexico was sustained by the Supreme Court of the United States on the ground that the Civil Government of the Province was overthrown, "Kearny holding possession for the United States."

Such the law of conquest and government; and applying now these definitions to the facts it is plain that Stockton had not conquered Upper California west of the Sierra prior to Kearny's arrival; and the issue of conquest formulated as we have shown by the parties was resolved accordingly by the unanimous judgment of the thirteen military officers composing the court and by President Polk in favor of Kearny, as conqueror and first governor of Upper California; and the historian Bancroft is in accord with this decision when he writes that "Stockton's claims to have effected a conquest or organized a government prior to Kearny's arrival were unfounded."

But what was the actual extent of the territory conquered and governed by General Kearny east of the Sierra?

Aware that historians generally have left undecided, doubted, slurred or denied our ascription to Upper California of the territory east of the Colorado River, or have attributed it to New Mexico which Kearny entered in early October, 1846, we must burden our text with the names of the authoritative geographers and the writers justifying our judgment; and we cite: Disturnell's map, 1847, revised edition, annexed to the Treaty of Peace, purporting to be derived from acts of the Mexican Congress; and his revised editions of 1846 and 1848; Emory, 1844; Frémont, 1847; Tanner's second and third edition; Augustin Mitchell, 1847; Colton, 1849; each of these authors not only mapping the boundary as stated but expressly limiting the western line of the Mexican province of New Mexico to the western base of the Rockies; and this western line is likewise found in Arrowsmith, 1828, and Humboldt, 1804; and all these

authors, together with the maps of Humboldt, 1811, and Arrowsmith, 1810 and 1820, and the Jesuit explorers and writers of the Eighteenth Century, cited in the writings of Hamilton and Fernandez, limit the northern boundary to Sonora, the sole Mexican province south of Upper California, east of the Gulf of California to or below the Gila River; as do the Mexican boundary commissioners in 1848 in their report to the Mexican Congress; and President Polk, in his correspondence with Slidell in 1844 and with Trist in 1848, negotiators with Mexico, and President Peña, in his address to the Mexican Congress on the Treaty, in speaking of "the separation of Upper California and New Mexico from the Mexican Union" leave no doubt that the cession of Upper California claimed and ceded by right of conquest was assumed to be the boundary now claimed.

But this vast territory, to quote Professor Smith, "uninhabited by white men"; without central or local government or administration; marked "unexplored" on the principal maps; and in part bearing the significant name "Apacheria," and bounded on the south by Sonora, stripped of its troops, sent to support Santa Anna against General Taylor's advance towards Buena Vista and against General Wool's advance into Chihuahua, to whom Kearny had sent Colonel Doniphan, who was soon to conquer and occupy that province must, by reason of its defenseless and abandoned condition, be considered constructively conquered and occupied by General Kearny when, in October, 1846, he entered it with the intention of appropriating it under Polk's instructions for the United States; in accordance with the well recognized rule of the Law of Nations expressed by Halleck in the proposition that "the occupation of part by right of conquest with intention to appropriate the whole gives possession of the whole *if the enemy maintains possession of no portion of the remainder.*"

Finally, it is to be noted, that the Executive (the Political Department) explicitly and the Judiciary implicitly have recognized Kearny's conquest and government.

The President, as reviewing authority and possessing as commander-in-chief of the Federal Army exclusive jurisdiction to appoint the governor and sanction the government of the then foreign conquered Province of Alta California, by affirming the judgment of the court martial, rejected the executive documents purporting to show Stockton's conquest and government in August, 1846, and judged Kearny conqueror and governor and explicitly denied Frémont as governor; a position confirmed by the Secretary of the Navy in these words: "There has been no approval or rejection of an organized or established form of government for the Californias in the occupation of the naval forces through this Department"; and by the Secretary of War, who wrote the President that "the Government of California was established by the *military officer in chief command.*"

Turning to the judgments of the Supreme Court which Professor Smith remarks "have held that the acquisition of California was completed the 7th day of July, 1846,"³ it must be noted that the Supreme Court has explicitly and repeatedly denied its jurisdiction to determine that very question, illustrated in

the following words: "The Political Department at least appears to have designated that day as the period when the conquest of California was completed, and in this respect the judiciary follows the action of the Political Department"; and so that the Court has used some expressions as "generally regarded" when speaking of that date as the date of acquisition. And that Court's determination of the designation of that date by the Political Department is of extremely limited application and is found not in Presidential utterances but exclusively in the Congressional Act of March 3, 1851, to settle California Land Titles; an Act involved in all cases using such expressions concerning conquest; cases which affect solely the validity of land grants before or after July 7, 1846; and which Act, the Court has held, prescribed not that conquest then became effective but that July 7 was designated by the Act "as the epoch at which the power of the Mexican Governors to alienate the public domain terminated (*United States v. Pico*)."

But in *Cross v. Harrison*, arising under the Military Revenue Law and so freed from the date fixed in the Act of 1851, the Supreme Court of the United States deliberately leaves the question of conquest prior to 1847, opining that "either Upper California or San Francisco (the port of decision) was conquered in 1846"; while deciding that "*shortly thereafter*, the United States had military possession of all of Upper California and early in 1847 the President authorized the Military and Naval commanders to form a Civil government."

And we accept the judgment of the Supreme Court; for General Kearny and Commodore Shubrick "early in 1847," on March 1, by joint proclamation proclaimed Kearny Governor of Upper California,⁴ and Kearny proclaimed a Civil Government, having governed up to that time and from January 15 under Martial Law; and so became the first Governor, as he had been the conqueror, of the territory.

THOMAS KEARNY.*

³ Of course if Professor Smith's "fact" be such (that July 7 was constituted by the Supreme Court the date of conquest) then Sloat only; and neither Stockton, Frémont nor Kearny participated in the conquest: a *reductio ad absurdum*; justifying my interpretation of the Supreme Court's decisions.

⁴ Professor Nevins justifies Frémont's adhesion to Stockton and his denial of Kearny as his superior officer (Frémont on January 13 wrote Kearny as "Lieutenant Colonel" of the "Regiment of Mounted Rifles," an army organization constituted by Congress in *May, 1846*, of which Frémont was the first Lt. Colonel, that he, Frémont was accompanied "by 400 Mounted Rifles"), on the grounds, as stated by Nevins, that Kearny's orders were conditional on Kearny's conquest; and were alike conflicting with and earlier than Stockton's! But inasmuch as Stockton's orders of June and July (the latter giving Stockton authority to govern) did not reach California until after Stockton's departure and were never read there by Frémont or Stockton; all that Frémont read were Kearny's orders later than Stockton's and wholly consistent with them, namely that Kearny was to lead the occupying expedition and to govern and Stockton was to occupy the ports only and not to govern. Further, Kearny's orders were unconditional; for on June 18, when Kearny's orders were written, President Polk contemplated Kearny only as the potential conqueror; Polk limiting Kearny's authority to set up a government upon the "fact of conquest" as Benton knew the rule to be, and so stated (*supra*) and not upon the *person* of the conqueror, although Kearny's orders read "Should you conquer you will set up a government."

* Member of the New York City Bar Association, Governor of the Pan-American Society of the United States, and Honorary President of "Phil. Kearny's First New Jersey Brigade."

AN IRISHMAN IN THE GOLD RUSH

THE JOURNAL OF THOMAS KERR

(CONTINUED)

SATURDAY 13th [JULY, 1850]

[SAN FRANCISCO]

Feel pretty well but still very weak; took a walk thro' the town and principally viewed the Burned districts I could scarcely know San Francisco to be the same place, as when I left, the fire had made such ravages its lamentable to see the best part of the town, with scarcely the trace of a house now, remaining: However they are erecting buildings fast among which are some very fine brick houses which are generally at the corners of streets some are 4 stories high magnificent buildings, but many lots lie still without any seeming preparation for rebuilding again Wells are also a sinking in different parts of the town at the expence of the City. I see two opened in Portsmouth Square, saw M^r. Liddle,²⁸ he spent a few hours with me tonight;

SUNDAY 14th

This morning about 2 oC was awoke by a knocking at the outside of house, on asking who it was found it to be my friend D^r. Baird just come off the Gold hunter from Sacramento, he appeared very much fateagued; he left Eliza on Friday got to Sacramento same night where he had to tramp thro the City with his Portmantua and Blankets on his back looking for a Hotel in which he might have a bed with difficulty he found out two one of Which offered him the Carpet on the floor for a bed and the other had no place at all for him, he made out a third but they were all in bed and consequently did not get in this was about 12 oc, and after carrying his things so long on his back thro the town he felt tired, so the latter Hotel he called at, there was a varanda Outside, under which he spread his blanket and rolled himself up in it for the night and there slept till 7 oc in the morning; when he then gathered himself up and went inside to breakfast, which was he said a first rate one, the Gold-hunter was not to sail then till 2 oC so he walked out the Country towards Sutters Fort, he gives a splendid acct of the country about Sacramento; he said Mills remained at Eliza to go to the mines to where the men belonging to the Barque Chase are; and my luggage is to be down in the Captain's Boat in a few days; I am getting stout gradually; but am yet very weakly; M^r. Liddle called here at 11 oc remained all day with us Took a ramble thro' the town; the Burned district is putting up fast again, the houses in general are much inferior to those put up at first, yet a few good brick buildings are a raising; the town is improving fast, new Wharfs and a very great many new houses have been made since I left this;

²⁸ Possibly Henry S. Little.

MONDAY 15

This day is pretty cool and windy the dust blows as usual; so that a person would be almost blinded walking on the streets; getting on pretty well, now that I am I may say over my sickness; I must say that I often and often thought If my dear Margaret was with me how attentive she would be and tho John had been very kind and most attentive yet I missed that warm breath, and watchful eye of my ever Dearest and Beloved Wife; thank God I am getting on gradually; Improving ever since I left Eliza I sent home two newspapers, by the Tennasee steamer, one of which gave an account of the 3 fires in San Francisco;

TUESDAY 16

Arose about 5 oc took the gun went about $1\frac{1}{2}$ miles over the hills looking for a shot at rabbits or Pigeons; saw none Came back soon as the morning was cold and damp, had breakfast after which I commenced to paint the Iron House. About 11 oc Mr Voulks [= Foulkes?] dropped in; just Came from the mines, he was the partner of young Smith that went home some $2\frac{1}{2}$ months ago after stopping at the mines for a week or 10 days, they are both Irish. Voulks had been more persevering and worked away at Carsons creek near to the Sonorian Camp and made his 4,000 dollars in 3 months, he had been very fortunate indeed Some few days before he came away he & his partner bought a hole or pit from another for 100 dols & they in one day took 1700 dollars out of it, he says he has some very beautiful specimens which he is to shew us; this person had been a Captain in one of the Dragood regiments. I am improving fast.

WEDNESDAY 17

Finished the painting of the house. Mr. Voulks is come up to lodge here with us & we 3 club up together & form a mess, of which each of us pay an equal share. he shewed us the Gold he dug, he has 15 beautiful specimens weighing from 1 ounce to $3\frac{1}{2}$ lbs the latter is a magnificent piece very pure; he would not recommend any friend to go to the mines there are so many ruffians he says a man can be scarcely sure of his life an hour & the work is so laborious

THURSDAY 18

This day rather warm; Nothing new afloat, saw Mr Liddle he has sold two Iron houses, and will have work for me in the Course of 10 days or so, its a long time, to be idle But I must look out for another job, till he is ready to commence

FRIDAY 19

I am getting on Tolerably, have no news scarcely left from about the door all day, very dull, have been Informed yesterday that Shirwood has come back from the mines with some 6 or 700 dollars. —

SATURDAY 20th

Day fine I am still getting stronger and continue to improve every day
Painted the windows white; nothing new in the City.

SUNDAY 21st

I went to Church today; it was very much thronged a good many ladies are coming out, and are pretty well scattered over the church I see the pews are a leasing now, Dined with a M^r. Clark, a native of Newry who had been married to a Daughter of Sam McGowan late Tailor of Annagh & latterly married to a Mrs Gray of same place. Day very warm & pleasant. The Steamer Oregon came in today. I expect letters by her from home.

MONDAY 22nd JULY 1850

This day pretty cold: lettered a sign for Baird; and wrote out a specification for pile driving for Liddle.

TUESDAY 23rd

Warmer somewhat than yesterday; M^r Guitarries [Gutierrez] (both) Came down here to San Francisco today the Captains Boat came as far as Sacramento loaded there and went back again to Eliza God knows when I shall have the Luggage I left to Come in her here — they say the first day Mills worked at the mines he washed out 4 Dollars the second 5 & the third 7 dollars and they say he is improving daily they had a cup of Tea with us

WEDNESDAY 24

I went yesterday to Starkeys²⁹ about letters & found that no English mail came by the Oregon, but the Panama is expected in a few days likely she will have the mail. Hendren came here at 6 oc We had a long walk thro the town or rather by the out skirts of it; no news of importance I am getting strong daily but cannot say I'm quite better yet, gave the windows another Coat of paint & went over the letters a second time too;

THURSDAY 25th

Bought a red and Blue Flannel shirt for which I paid 5 dollars, its considered very cheap. Mornings and evenings for the most part very cold, after 12 oc a person can scarcely walk the streets with so much dust flying about Bought also a map of the Gold District, \$1

FRIDAY, 26th JULY 1850 SAN FRANCISCO

I commenced to make a Tracing of the map I got yesterday to enclose in a letter home, called at the Post office and there unexpectedly got a Derry Standard of the 9th May from my Dear Margaret. O but I was glad to see her handwriting on it, as I had been so uneasy lest she might be ill or perhaps something wrong, that I did not hear from her since 26th May last.

²⁹ Starkey, Janion and Co., merchants at Sansome and California streets; an English firm established in 1848.

SATURDAY 27th

Morning rather cold; Employed by Mr Liddall to go with him to the s[t]ore ship, Elizabeth, to select plates of Iron for a new house he is about to build, felt rather unwell all day, a chilliness & head ache came over me & was not able to do much;

SUNDAY 28th

Worked all day very steady at the tracing did not get it finished, not too well today either, 15 vessels arrived here today; . . .

MONDAY 29th

Went at 7 oc according to Mr. Liddalls directions to his place as he promised to have work for me; he gave me some drawings to make, I took them home to work at, but found I could do nothing as I am so unwell, my head aches, a chill quite over me, a griping in my bowel, and a throwing off, all these on me at once, I lay in bed all day;

TUESDAY 30th

Much better, commenced Mr. Liddells' plan, worked all day at it except a couple of hours, I took to Dinner & a walk Mr Vaulks asked Baird, young Guitaries & I to dine with him out today in a Restourant I however pulled for the lost time.

WEDNESDAY 31st JULY 1850

Arose very early and finished the map of the mining District. which I want to send by this mail, also Comc^d. a letter to M^{rs} Kerr. Worked all day at Mr. Liddells' draw^g. his partner Mr Fitzpatrick came in this morning in the Carthigena, this is the vessel the custom house is in; Built by Maw of Liverpool, all Ironwork;

THURSDAY 1st OF AUGUST

1850,

SAN FRANCISCO

This morning, a man had been found dead on the foot walk just a few perches from this. he was a sailor from all appearance, there was no marks of violence on him, it is supposed he had been under the influence of Liquor. I enclosed the tracing in a letter, to My own Margaret & also sent to her and Mother 7 or 8 of the latest papers up to this date. I hope they may get them all as they will amuse them for awhile. Worked very close at Mr Liddles drawing, till 11 oc at night only two or 3 hours at noon I was forced to go to bed, I was so ill; The steamer Pannama saild at 4 oc this evening Baird & Vaulks went in her as far as San Diego, about 700 miles down the Coast they Brought young Guitarries, they go to speculate in Cattle & sheep, purchase there cheap, drive them up by land and offer them for sale here; they will I dere say be 6 weeks or 2 months away.

FRIDAY 2nd

Arose about 5 oc and commenced my drawings again got all finished about 1 oc was then forced to go to bed with the same illness, got better about 4 oc. Hendren Came to me this morning to say he was noticed by Starkey to have a place provided for himself by the 1st of Sept; as he was reducing his establishment, this is but an excuse to get rid of him. Starkey is a "nice Boy." Hendren is thinking of coming to lodge with me and go work with Liddall for what ever he is worth to him.

SATURDAY 3rd

Got more drawings from M^r Liddall took them up to the Iron house to Commence, when at the usual hour I took ill again, rather worse than I had been yet as I had 3 or 4 very severe turns to throwing off among which was some Blood; The way I'm afflicted is this. between the hours of 11 & 2; the time the oppressive heat had so much effect on me at Eliza I am taken with a chillness, and pain in the head together with an acheing of my limbs and some slight touches of cramps, in the feet, when this Cold Comes on me I must go to bed and all the bead Cloths in the house can scarcely keep me warm, from 3 oc I am always quite well again as also in the morning till about noon. I am now determined to take better care, and use some medicine Baird left me before he went;³⁰

SUNDAY 4th

Used great precaution and the Pills and Quinine as directed, had not the slightest attack today, thank God, had a little walk in the forenoon, No news.

MONDAY 5th

Quite well this morning and Continued so all day undergone a general course of medicine. Commc^d M^r. Liddalls new drawing this morning had all I could do to it done till I see him Done at 12 oC. Went down to his place after Dinner to see him but he was aboard the Carthigina.

TUESDAY 6th AUGUST 1850

This morning I feel very much better gone at 7 oc to M^r. Liddells' office, on Jackson St Wharf; he and Fitzpatrick have opened an office, there in M^r. Dupeys' Iron House of which I am to have charge.³¹ I shall act in the capacity of Ass^t. Enginar, Book keeper, paymaster & Cashier; making a plan & Elevation of M^r. Greens House on draw^s paper, Liddell paid for my dinner \$1. himself the Steamer Columbus arrived, 21 days from Panama, with 300 Passengers.

³⁰ Evidently Kerr's illness was malaria. There has been some doubt as to whether this disease was introduced into California as early as 1850.

³¹ Dupuy of Dupuy, Foulkes and Co., merchants on Battery near Jackson Street.

WEDNESDAY 7

I am thank God still better, went to the office as usual, about 7, made a drawing and tracing of Plan of Piles and platform for Greens House³²

THURSDAY 8th

Today I made a reduced Plan of 18 houses & took off a tracing of same, for Mr. Glenn. Gone to Starkeys' got a letter dated 10th of May from my dear Margaret, & am happy to find she & all friends well, this was in answer to the two I sent from Valparaiso, she also mentioned that she had not written since 10 Feb last; Dined with Mr Liddell at a Restaunt

FRIDAY 9th

Day fine but as usual dusty, from 7 till work 9 at Greenes, Plan, 2 hours then ass^{ts}. in levelling the foundation for Custom House, from 11 till 2 at Happy Valley levell^g foundation for Mr. Strangman [] Houses, the remainder of day made a tracing of Mess^{rs}. Greens' store.

Dined with Mr Liddell. Hendren brought me up 2 Derry standards, one 23rd. & the other 30th of May.

SATURDAY 10th AUGUST 1850

From 7 to 12 Coloring & inking in Plan & elevation of Messrs Greens House; Afternoon making out accouts of Labor and paysheets &c Got 5 dollars on acct

SUNDAY 11

Writing a letter to my dear Margaret till 11 oc then Hendren went with me to a Methodist chapel after which I still continued my letter, went also to a China mans Funeral he was buried at the Sumitry near the Mission, when he was laid in the Coffin there was some bottles of Brandy & provisions together with some Books all placed along with him, there were about 60 China men there and half the number Europeans or Americans. We went more for Curiosity than love for the fellow as we went along the road I noticed a bottle in the hand of the majority of the China men, and when we got to the burying ground each brought his bottle to one place, when the[y] arranged them & had the corks drawn when we strangers were invited to go & partake of either a drink of Wine or Brandy after which they distributed Cigars amongst the assembly;

MONDAY 12

Day fine I am engaged at making a drawg of a two story house for Mr Glenns³³ House

³² At this time the city was growing out into the bay. This was possibly Henry Green of Green and Morgan on the Clay Street wharf.

³³ Possibly William Glen of Glen and Co., merchants on California Street, between Montgomery and Sansome.

TUESDAY 13

Made a tracing of M^r Glens house. Wrote a letter to Aunt Morgan, encloses it to M^{rs} Kerr.

WEDNESDAY 14th AUG^t 1850

Today I was sent to take charge of the altering of the Zinc on the Front of Messers Baccus & Davisons³⁴ House, also the hanging properly of the doors, the person who had the whole Contract did not know how to manage the doors windows & front, I take as if I knew all about, But I think I shall make a good job of it have 6 men working at it

THURSDAY 15th

I am still engaged at the Zinc house we progress but slowly its so very troublesome I posted my letter, to day I had to pay 1 dol 18 Cents for it double postage. I sent 6 papers home too & 1 to M^{rs} Andrews; Two Steam Boats left today for Panama the Columbus & the Carolina, the latter carries the mail. Intelligence have reached us this morning that yesterday there had been a an awful Calamity at Sacramento Sutter is wanting to horn out some squatters off what he calls his property which they deny & say they squat on the Government land however a fight arose and 5 persons were killed the Mayor of the town severely wounded too.³⁵

FRIDAY 16

Weather very nice yet at Zinc house its a Tedious job, but I'll make it a good job —

SATURDAY 17th

Day warm and mild little dust flying; ½ day at Zinc Huse & other half making out pay list. M^r Liddle has paid off Fitzpatrick & has now no Connexion with him as partner &c.

SUNDAY 18th AUG^t 1850

Exceedingly warm; Liddell, Hendren & I went aboard the English Brig Carthigena; dined there then Liddle & I went at ½ past 2 and met M^r Strangman according to appointment relative to the houses we are putting up for him; Went to Church in the evening —

MONDAY 19th

Yet at Backus Davis & co Zinc house its going to be an expensive Job; about 1 oc went with M^r Liddell out to Happy Valley to take some particulars of Strangmans Houses, — News from Sacramento that the Sherriff at Sacramento was shot, and others since the first Battle, day very Windy

³⁴ Perhaps Backus and Harrison, auction and commission merchants, on California Street near the waterfront.

³⁵ The Sacramento squatter war.

TUESDAY 20

Milder than yesterday was this afternoon Mr L & I went out to happy Valley about Strangmans House and not yesterday, Still at Work at Backus & Davis' House; This morning M^r L. took a Contract from a M^r [T. E.] Page (who acts for) (Capt Folsom, [Joseph L. Folsom]) to put on the Zinc work on the sides & ends of a large House 100 feet x 80 x 17 feet, I started a few men at it today;

WEDNESDAY 21

I notice this morning pretty cold as also the evening, started a lot more men at Folsoms House, am half time here & at Backus & Davis;

THURSDAY 22nd AUG^t 1850

Morning Cold, inclines to heat about noon Cold again at night, finished at Backus & Davis' house today — have 5 or 6 men at Folsoms' building the acting man for him M^r Page, looks to interfere with our work and I think would like to be troublesome; but he will find me many enough for him —

FRIDAY 23

Getting on but slow at our present work I fear there will be nothing made out of this Contract but on the Contrary, a loosing game perhaps.

SATURDAY 24

This morning I did not feel so well as usual Went down to the work, (Folsoms Houses) without taking any breakfast morning Cold; Took very ill threw off 3 or 4 times started the men to work and selected out some sheets and then at nearly 9 oC was forced Come home took to bed no person came near me till about 1 oc there I lay so Sick that I cannot describe & a throwing off of Bile very frequently; I here again miss my dear Margt Oh! if she were near how Carefully she would watch over me; and tend me; about 1 poor "*Nova Scotia*" otherwise M^r Homer; he is I may say but a stranger I only saw him a few times with Baird & Voukes he had been very attentive & went & got gruel made for me in his Boarding house; in fact had he been my Brother I could not receive more tendness & attention from him he sat the most of the day with me M^r Liddell Came in shortly after Homer; he was also kind I could scarcely speak to him I was so weak he got me a bottle of Wine, & wished to have doctor called in But this I would not hear of at all; However towards I night I got a good deal better & was able to rise for a little; I think what raised my spirits considerably was Hendren walked in with a letter to me from M^{rs} Kerr; But I was rejoiced at having it even on my sick bed what comfort to me; she poor creature is yet delicate in health May God strengthen her & give her abilities to bear the burthen of this separation —

SUNDAY 25

Pretty well, Went to the Roman Catholic Chapel with Hendren; Dined & supped in Malletts today I intend Boarding in it for a week till I get stout again; Com^d a letter for Home

MONDAY 26

Better today Went as usual at 7 oc to my work, at Folsoms Houses, — we still get on but slow; still adding to my letter for the 1st

TUESDAY 27

At Folsoms Houses yet, my health is keeping good, the Board at Mallett's is plain but good

WEDNESDAY 28

M^r Liddell has let the finishing of Folsoms Houses to one of the men that worked for us Our men worked but 2 Hours, in the morn^g Folsams; Man, that Liddell took the Contract from is not pleasd at this, I fear we will have trouble about the Job

THURSDAY 29th

Went to the office at 7 done very little till after dinner; as there was a procession in town; in memory of the burial of the Late President of the United states Gen Taylor, the day for the most part was kep holy there was an immense crowd assembl'd: saw Barly a few days ago he is just down from the mines he done very little good either — regulat^s accounts in office

FRIDAY 30th

Got for M^r Liddell on account of work at M^r Strangmans Houses at Happy Vally \$150, it was very hard to get money out of this chaps fingures, M^r L & I laid out some work at the Custom House after which we went to see about a Contract he got at Broad way: after dinner regulat^s accts and making out forms, also mak^s a plan of 3 s[t]ory House for M^r Dupy

SATURDAY 31

Forenoon finish^s M^r Dupuys plan afternoon mak^s out pay sheet & pay^s men — Sent a newspaper to Mrs Baid per Northerner & another to M^{rs}. Halpin — North^{er} sails today

SUNDAY 1 SEPTEMBER

1850

Day fine but evening Cold & dusty, sent a letter: a double sheet (steamer) alta — & two other papers to My Margaret & 1 other to Uncle Rogers; Hendren & I went to Church Paid Mallett 12 dols for 1 weeks Board ^D1.50^{Cs} for 2 dinners & 50^{Cs} for supper;

MONDAY 2nd

I had been princepally arranging Books in office writing &^{cc}

TUESDAY 3rd

M^r Liddell & I went to Broadway laid out found^{tn} of M^r Akins³⁰ Iron House, had Charley & Mance ½ day each.

³⁰ Perhaps J. M. Aiken at Montgomery and Central Wharf.

WEDNESDAY 4th

Have two Carpenters with me at Akins House Mornings very Cold.

THURSDAY 5

Recv^d a letter from My dear Margaret; I am very much grieved to find she is so delectate in health But I trust she will get stronger; still at Akins House, bought blue sack coat, for 12 dols

FRIDAY 6

Day pretty fine, but streets dusty; I have the two Carpenters yet at Akins House,

SATURDAY 7

Principally in office making out pay sheet, recv^d from Cross Hobson³⁷ 400 dols, Strangman 100 & akins 200 dols all for M^r Liddell this appears a large sum but he has to pay it all out for labour

SUNDAY 8th

I have gone to no place of Worship — for most part writing letter to my Marg^t I like to write her long ones, so I commence early, no news a float worth relating —

MONDAY — 9th

No work doing at Akins Houses today for want of materials, I am busy most of the day looking after stuff which is dificent for his House at Strangmans Buildings 3 Hours, Recv^{ed} 50 dols from M^r Liddell; to pay workmen

TUESDAY 10

Ive been about 2 hous at Happy Valley — & remainder of day at Akins, two Carpenters ½ day

WEDNESDAY 11

Half day at Akins; other half working at roof of Strangmans House — day fine —

THURSDAY 12th

Half day at Happy Valley ½ day at Akins — for the first since I came to Calafornia, I saw a good shower of rain, I've seen none but it except a little skift one day when at Hock Farm — I think the rainy season will soon set in — Strangman & I had a few words, I think him a damd conceited fool I wish to make a good job of his Houses but he dont seem to know, it — or at least he dont wish to acknowledge it —

FRIDAY 13th SEPTEMBER 1850

day beautiful very warm; got on M^r Liddells acct, from Backus & Davis 30 dollars, — Nothing new afloat, just now. Ive been principally at Akins' House.

³⁷ Of Hobson and Company, on Sansome between Pacific and Jackson.

SATURDAY 14th

For the most part I had been in the office making out pay list, got on Liddells acct from Strangman 150 dols, Akins 100 & Cross Hobson 500 dols;

SUNDAY 15th

This morning I arose at 6 oC quite well & began to cleanse the house wash a parcel of dirty delf &^{cc} After Breakfast I took Ague & was feaverish had to go to bed; was left alone all day till 4 oC, I had been very ill, I here again missed my dear Margt, here I was, all day, and no person left to tend me & tho my tongue was almost sticking to my mouth with thirst I had to bear with it at 4 oC or so poor Homer that waited on me the last time I was sick chanced to walk in, not being before aware anything was wrong, he boiled the kettel for me & maid Tea, this is the best natured soul, as a stranger to me I ever knew. I sent 2 papers to My Margt & a letter too to M^{rs} Baird 1 to Uncle Rogers, 1 to M^{rs} Andrews & 1 to my friend M^r Stubbs —

Had a few showers of rain thro' the day,

MONDAY 16th SEPT 1850

About 6 oc in the morning we had a heavy shower of rain which laid the dust pretty much; all thro the day exceedingly warm the rain I suppose occasioned it, I was quite Better today, as I was passing thro one of the streets my attention was drawn where I saw a Crowd assembeled looking very earnestly across each others shoulders into the centre of the ring as it were — I like every Irish man went to see what was going on & as I got a peep thro' the thricket, I saw one Chap kneeling on one knee & on the other he was working the pea & Thimbles; & I witnessed one gull of a spectator stake down Two 20 dollar pieces at once & lost it just as quick — he looked rather displeased at the gambler but said nothing & walked off the Thimble man put the money in his pocket & went to another corner of the town — I was after told he would take no less wager than one ounce at a time — In about an hour after I saw bit of a fight between a couple of chaps how it Comc^d I dont know Hower the police came on the ground when all was nearly over, they let both parties go, but there was one who had a right Bloody face who seemed to get the worst of the Battle and seemed by no means satisfied, he had also a Horse, which when he got on he comc^d to abuse the Police at a great rate they pursued him but he still galloped off; & would stand again till they would be near up he kept thus for some time abusing them, when he at last got off his Guard, when a police man Boned the lad hauled off his horse & brought him to the station House, I would say and sarved him right —

TUESDAY 17th SEPT 1850

All thro' last night I slept I may say none got up several times; out of Bed, thought I heard the Cry of fire; and some how or other something ran in my mind we would have or there was a fire, and my predictions alas, were pretty right for about ¼ to 5 OC I was awoke by the the shrill & alarming cry

of Fire! Fire which reverbrated thro' the town like the Sound of a Trumpet; followed immediately by the Tolling of the Grace Chapel, Bell I picked up what clothes I could muster in the dark, went to the door and on looking down towards the Plaza, or thereabouts; I saw the Firy element ascend, most triumphantly into the heavens; I found the fire come^d in the Philledephia Restaurant Jackson st & by the time I reached it the fire spread a good many houses both sides — the fire Engins were just Coming then to the ground the Hook & Ladder Companies done their endeavour to check the progress of the flames before many houses were burnd but in vain, it was 9 oclock before it was overcome; There were [] houses Consumed, and the amount of loss is estimated at [one-quarter to one-half million] dollars the loss of this fire is not so much as (the) any of the others, as it is generally Restauramts, small retail stores, grog shops a few houses frequented by women of evil character & 5 or 6 gambling houses among which were the unfortunate Bella Union and the Peonix which stand in the Plaza, these have suffered now 3 tims from fire, had not the Alta Calafornia office been well built of good Brick & iron it would have gone too, the Eldorado & Varanda being built of Brick surly saved the princepal part of town for the wind being so brisk would carry off the sparks all over the city had it got beyond the Eldorado, tho the windows & cases were all burned out of the Veranda or nearly, yet little damage was sustained inside & the roof held on good The Graham House, or, as some call it the Court house in Pacific st stood a very narrow escape in fact I thought at several times it was on fire — This is now the fourth great fire we had here in 9 months; if the[y] thus continue San Francisco must soon Cease to be the Great City of the Pacific At 8 oc I went to the office got some nails & brought them to Akins House ordered some Timber &cc was at Business for 5 Hours, took sick had to go home & go to bed here I lay the whole afternoon without a Soul coming into me — O!h but this is a miserable existance I have in Calafornia My thoughts are still Continually on my dear Margaret, — poor Creature God Pity her if any thing happens me

WEDNESDAY 18 SEPT 1850

For the most part at Akins House; Happy Valley 2 hours; I see they are commencing to build on the Burned district again while some of the Timbers are yet burning —

[Entries from Sept. 19 to Oct. 13 are omitted. During this time Kerr continued with his building operations and suffered intermittently from his fever.]

MONDAY 14 [OCTOBER]

Great Preparations are making for the proocession Tomorrow in honor of Calafornia being admitted as a State; M^r Liddell & D^r. Baird went over on a shooting trip to Don Antonios [Antonio Peralta] for a few days —

TUESDAY 15

Beautiful day, There was really a Fine display at the Procession — Sent letters home by this mail.

From this date up to [Monday, November 11, 1850]

I kept no regular Journal little or nothing to say, only that I am sorry to find Cholera is making a Ravage among our Citizens, & even all thro' our Country — did not hear from home by the Mail of the 23rd as Magt was to be at Dunfunahy, & she said in her previous letter I might not expect one by the this mail — The Doctor has much trouble working with his Cows, & making nothing by them in the end, Weather delightful, had a letter from Alex^r Mills somewhere about the 6th Nov^r poor fellow he had been unsuccessful in mining operations &c; now in Sacramento, intends Coming down soon — I write home by every steamer, & also send papers Sent by M^r Geo Henshaw a ring with a lock of my hair in it together with a Brooch made of Calafornian Gold, also another just like M^{rs} Kerrs to her mother M^{rs} Baird, the rings Cost 7 dollars each & the Brooch 18, dolls

MONDAY NOV^r 11th 1850

Day fine, Cholera still prevails, a good many vessels are now clearing out of the Port; paid Crowan Carpenter, 89 dollars of my own money for M^r Liddell —

TUESDAY 12

I am still going a head on the North Beach, & making another copy of the plans of Building —

WEDNESDAY 13

Nothing worth relating, see great improvements in this city Buildings are out in the midst of the shipping now

THURSDAY 14

In this days Pacific News I observe the Death of Alex^r Mills, of Cholera agd 21, Ireland, poor Alick is now I fear no more, O!h what will be the state of distraction his poor parents minds will undrgoe; & just a few days ago I had a letter from home telling me to mention to him of his Brothers death in America but I never had the opportunity But I am really sorry; the Doctor & I expected him down daily as we had written to that effect —

FRIDAY 15

Sent home a letter to my dear Margt Mentioned the fatalaty to Alick Mills — Sent a parcel of Papers home among which was the Illustrated California News Sent also an order to M^{rs} Kerr for 20 pounds to Buy little things which may be necessary for her to take out to this Country, I noticed her to get ready for Coming to California this will be good news for her I think — and But I'll be so glad, too,

WEDNESDAY 20

Very stormy last night, the frame of the new meeting house in Stockton St had been blown down Very windy night a good deal of damage among

the Shipping, the St Andrews Society met this even & several points were discussed the principal one being, to have a dinner on St Andrews day the 30th inst, I enrolled my name as a guest, tho I dont Care about the whole matter yet It[']s good policy

JANUARY 1851

This month Came in beautifully; not like winter at all have serious notions of either going home by the 15th or Sending for M^{rs} Kerr; . . .

I bought the Doctors interest in the Small Iron house for \$100 I am now putting it up a 2 story house have got it also papered its a nice little house now; I can have part of it let and be making something for me till my dear Margaret arrives —

This month throughout has been splendid — weather; sickness to a great extent all gone — But crime is very daring deeds of thefts & Murder are committed openly in our streets in some Cases before it is sun down —

FEBRUARY

Came to live in my new house on the first Feb am Comfortably Situated — got the house nicely papered.

On the Friday 14th let the two top rooms up stairs to Capt Reed, of the Brig Mercury from Liverpool — at 45 dollars per month —

MONDAY 3 [MARCH]

Rather Cold today About 5 oclock or there abouts, a fire occurred among some of the steamers the Santa Clara & the Hartford laid almost in ashes Especially the former [at the Long Wharf] I believe some lives were lost in the Santa Clara — What an unfortunate Circumstance — our getting letters ready to send home — the mal dont sail till the 5th — in consequence of some repairs that the Steamer Calafornia is undergoing —

TUESDAY 11th

Beautiful day. — after dinner M^r Liddell gave the workmen at Dupuy's house Clarkes Point a Blow out & having finished the roof therof and on top of the roof a force of about 30 assembled and then we cracked a few Bottles & the first Toast was success to the United States Bonded Warehouse — Next Dupuy Foulk, &c next M^r Liddells — & lastly that of the workmen — the latter spent a jolley evening of it — We had the American flag hoisted on top all even —

MARCH 1st 1852

After a Silence of about 16 months I now again take up my pen to Carry on my Journal as before, But before entering upon any Coment for the present year I must give a brief acct of the last one in as few words as possible &

indeed from the faint recollection I have of the past Can scarcely remember what to say, However for a start the year 1851 was not a very prosperous one to me on acct of slackness in business & even the greater part of What I earned in the first part of it I recv^d little for it owing to M^r Liddells failure — But again — I have reason to be thankful seeing that my family have joined me in the begening of Nov^r all well, they Came in the London the vessel I came in myself D^r Baird went home on the 15th of July and have not heard from him since — We have had several fires here the 2 greater of which occurred on the 4th May & the other in June, which two left the whole Business part of the City waste; Crime had followed and the Citezens had organize into a vigilence Committee Hanged several vagabonds whom they Captured in despite of the Authorities,

About the middle of July I opened a general store here in Stockton st — Hendren managed it for me; Continued it for 5 months at the expiration of which I was obliged to give it up seeing it did not pay, after this I went as Book keeper to Gordon & Steen of the Vulcan Foundry³⁸ — for 3 months and now for the last 2 to the present time am Idle.

March came in nicely had a few showers of rain thro the day — M^{rs} Kerr lay in bed all day nearly — I was bad with tooth ache Faucett was here all his people are sick with measels &c —

I have been thinking of going to the mines as I find it pretty hard to make ends meet and not at work —

TUESDAY 2

This day like yesterday showery am little better of Tooth ache M^{rs} some what better too, took a race thro the town but nothing of any consequence doing every Branch of Business is so dull the Winners next door are going out of this place have sold off and going down the Coast to a new mormon settlement a French man Came about purchas^g the Back lot of min — did not close with him will be back tomorrow he says —

WEDNESDAY 3rd

Somewhat showery today night very wet the Winners have all started in the Steamer Sea Bird no prospect as yet of any work. Frenchman has not come to enquire after the lot as he promised

THURSDAY, MARCH 4th 1852

Mornin fine rained heavay all night, how very dull is Business in town every person almost is Complaining — am at aloss to know what to do or say —

FRIDAY 5th

A Constant team of rain all day surely It must be good for the thirsty miners perhaps we may have a supply of rain now that will make a stir in the general business after it —

³⁸ At First and Mellus streets with office at 31 Battery.

SATURDAY 6th

This day very wet too Constant pour all day, I am heartily tired doing noth^s how long shall these days last I have serious notions of going to the mines if I could raise as much money as would bring M^{rs} & John & Jak — & settle in some diggins or other for a few months, in fact I cannot long remain so for my finances are nearly run out — If it were not for the little rentals I have monthly coming in I could not get along at all this weather is miserably wet — but I dare say the miners look to it as the dew of heaven to them, —

SUNDAY 7th

Very little rain today but cold rem^d in house the whole forenoon, after which John & I went a walking 2 or 3 miles into the Country between the Mission & Presadio — a tract of Country I had never before been in but romantically wild interspersed with numerous valleys a patch of which will be seen gardened — many of these valleys tho very small might be turned to some profit if properly coltivated — as we were returning home we picked up a handkercheef full of Mushrooms thinking to seell them on the morrow at the market for somewhere about a Dollar per lb —

MONDAY 8th MARCH —

Morning very cold sun shines tho looks watery, in the sky — John after spending his morning trying to dispose of the mushrooms returnd again with them as a total failure — and sweraring Thunder & lighting that he should neve again be seen hawking the like — rain Comc^d at 7 oc even & Continued all night

TUESDAY 9th

Morning dry tho' showery thro' the day weather cold Sacramento City, Marysvill Navada &cc inundated swimming boats thro the streets in Sacto, the levy there gave way — John gone to Pump out an old stoar ship today nothing new, still walking about doing nothing —

[THE END]

AUCTION SALES OF CALIFORNIANA

The Important American library collected by George W. Paullin of Evanston, Illinois, Rare and desirable Americana. (Two parts.) American Art Association, New York, April 1-3, and April 30 and May 1, 1929. 3150 lots.

This was a notable library formed by a distinguished and discriminating collector whose activities extended through half a century. It contained many features of great importance and rarity, especially in the early imprints of Chicago and in Indian captivities.

261. Venegas. Natural and civil history. London, 1759. 2 vols. \$130.00.
262. San Salvador (Pomoso). Historia de la Antigua California. Mexico, 1816. \$35.00.
263. Forbes, Alexander. California. London, 1839. \$70.00.
267. Alta California... By a Captain of Volunteers. Philadelphia, 1847. \$47.50.
268. Cutts, J. M. The Conquest of California. Philadelphia, 1847. \$47.50.
272. Gay, Frederick A. Sketches of California. New York [1848]. \$100.00.
273. Foster, G. G. The Gold regions of California. New York, 1848. \$22.50.
275. An account of California, and the wonderful gold regions. Boston [1849]. \$100.00.
284. Constitution of the State of California. San Francisco, 1849. \$260.00.
285. Hastings, L. W. A new description of Oregon and California. Cincinnati, 1849. \$100.00.
288. Mitchell, S. A. Description of Oregon and California. Philadelphia, 1849. \$65.00.
289. Parkman, Francis. The California and Oregon trail. New York, 1849. \$32.50.
290. Revere, Joseph W. A tour of duty in California. New York, 1849. \$32.50.
294. [Delevan, James.] Notes on California and the placers. New York, 1850. \$85.00.
295. Frost, John. History of the State of California. Auburn, 1850. \$20.00.
296. Gregory's Guide for California travellers. New York, 1850. \$37.50.
298. M'Irvine, William. Sketches of scenery.....in California. Philadelphia, 1850. \$75.00.
303. Audubon, J. W. Illustrated notes of an expedition through Mexico and California. New York, 1852. (Pres. copy.) \$1200.00.
304. Clark, A. B. Travels in Mexico and California. Boston, 1852. \$200.00.
310. Lyman, Albert. Journal of a voyage to California. Hartford, 1852. \$47.50.
313. Vigilance Committee. Speeches of R. A. Lockwood, Metcalf vs. Argenti. San Francisco, 1952. \$50.00.
316. Documents in relation to charges preferred by Stephen J. Field....against William R. Turner. San Francisco, 1853. \$52.50.
317. Horn, Hosea B. Overland guide. New York, 1852. \$52.50.
319. The Miner's progress. Sacramento, 1853. \$22.50.
331. Langworthy, Franklin. Scenery of the plains, mountains and mines. Ogdensburgh, 1855. \$75.00.
334. [Delano, A.] Old Block's Sketch book. Sacramento, 1856. \$25.00.
340. Cole, Peter. Cole's war with ignorance and deceit. San Francisco, 1857. \$50.00.
348. Edwards, Philip L. California in 1837. Sacramento, 1890. \$57.50.
355. Life and confessions of James Gilbert Jenkins. Napa City, 1864. \$35.00.
361. Ross, James, and Gary, George. From Wisconsin to California. Madison, 1869. \$25.00.
374. Buckskin Mose. New York, 1873. \$25.00.
396. Field, Stephen J. Personal reminiscences. [San Francisco, 1880.] \$30.00.
397. Ide, William B. Scraps of California history...The Conquest. [Claremont, 1880.] \$42.50.
419. Bledsoe, A. J. Indian wars of the Northwest. San Francisco, 1885. \$27.50.
420. Ide, William B. Scraps of California history. [Claremont, 1885.] \$41.00.
427. Norton, L. A. Life and adventures. Oakland, 1887. \$32.50.
435. Carr, John. Pioneer days in California. Eureka, 1891. \$32.50.
440. Leeper, David R. The Argonauts of 'Forty-nine. South Bend, Ind., 1894. \$45.00.
446. Wilcox, R. N. Reminiscences of California life. Avery, Ohio, 1897. \$40.00.
447. Crawford, C. H. Scenes of earlier days. Petaluma, 1898. \$60.00.
452. Canfield, C. L. The Diary of a Forty-niner. San Francisco, 1906. \$25.00.

454. Benjamin, Marcus. John Bidwell, Pioneer. Washington, 1907. \$50.00.
 468. Cowan, Robert Ernest. A bibliography of the Spanish Press of California, 1833-1845. San Francisco, 1919. Photo. pls. \$14.00.
 470. McWilliams, John. Recollections. [Princeton University Press, 1920.] \$22.50.
 1105. Hughes, J. T. Doniphan's expedition. Cincinnati [1847]. \$32.00.
 1112. Hunter, George. Reminiscences of an Old Timer. San Francisco, 1887. \$15.00.
 1938. McPherson, W. Homes in Los Angeles City and County. Los Angeles, 1873. \$15.00.
 2131. Möllhausen, Baldwin. Diary of a journey. London, 1858. 2 vols. \$20.00.
 2166. Slater, N. Fruits of Mormonism. Colma, 1851. \$190.00.
 2344. Greenhow, Robert. History of Oregon and California. Boston, 1844. \$30.00.
 2356. Schmölder, B. Neuer praktischer Wegweiser für Anwanderer. Oregon und Californien. Mainz, 1849. \$50.00.
 2415. Lewis, William. Articles . . . of the Pacific and Atlantic railroad company. San José, 1851. \$75.00.
 2459. Pattie, James O. Personal narrative. Cincinnati, 1831. \$675.00.
 2565. Whitney, Asa. A project for a railroad to the Pacific. New York, 1849. \$51.00.
 2580. Steele, W. R. Transcontinental excursion. Boston to San Francisco, 1870. \$25.00.
 2770. Child, D. L. The Texas revolution . . . and the late outrage in California. [1842.] \$20.00.
 2780. Creuzbar, Robert. Route from the Gulf of Mexico . . . to California. Austin, 1849. \$260.00.
 2832. Udell, John. Incidents of travel to California. Jefferson, Ohio, 1856. \$60.00.
 2864. Wagner, Henry R. The Plains and the Rockies. (With photostatic facsimiles.) San Francisco, 1921. \$75.00.
 2965. Sage, Rufus B. Scenes in the Rocky mountains and . . . California. Philadelphia, 1846. (With map.) \$105.00.
 2983. Bonner, T. D. Life and adventures of James P. Beckwourth. New York, 1856. \$22.50.
 3058. Scharmann, H. B. Journal of an overland journey to California in 1849. [Privately printed.] \$17.00.
 3149. Young, Frank. Across the plains in '65. Denver, [Privately printed.] 1905. \$75.00.

In the Paullin collection there were also many other important and standard works of Californiana as well as numerous rarities of Oregon and Mormon interest. All of these were sold to excellent advantage. The sale was entirely bona fide and the prices which were realized for items of Western Americana would effectually preclude any possibility of immediate speculation.

Choice California Items from the library of Mr. D. Q. Troy. Catalogue of books to be sold by auction, June 13, 1929, at the Curtis Galleries, San Francisco. 534 lots.

The majority of these volumes were of ordinary variety and frequent occurrence. There were a few lots of considerable importance, but the prices realized were quite unconvincing. Of this latter class, one only brought a reasonable approximation of its present value.

215. Facsimile of original MS of Bret Harte's *Heathen Chinee*, San Francisco [Carmany], 1871. \$22.50.

R. E. C.

REVIEWS AND NOTICES

J. Ross Browne, a Biography. By Rev. Francis J. Rock, M.A., L.H.M. Washington, D. C., The Catholic University of America, 1929. 8vo., boards, ix, 80 pp.

In this brief monograph Father Rock has brought together the available facts concerning the life of one of California's most picturesque and at the same time most worth-while pioneers. This study was submitted as a doctoral thesis, and while bearing some of the earmarks of hasty printing, is a wholly creditable work. An excellent résumé of the source material and a careful bibliography and index render the work particularly valuable.

Browne's versatility was remarkable. He was the stenographic reporter at the California Constitutional Convention of 1849, and printed the proceedings of that convention at a rumored profit of \$10,000, thus making available for all time this important chapter in American political history. He was a great traveler, and had wandered over every continent almost before he had attained manhood. His study of the mineral resources of the West was the standard handbook for many years. But perhaps most important were his satirical essays — forerunners in style of the works of Mark Twain and the so-called American School of humorists. Among these should be mentioned "The Great Port Townsend Controversy, Showing how Whiskey Built a City," "The Indians of California," and "My Official Experiences." His *Yusef* was the precursor of Twain's *Innocents Abroad*.

Browne became the successor to Anson Burlingame as his country's Minister to China in 1868, but for political reasons was returned to California the next year. He died at his home, "Pagoda Hill," in the foothills back of Oakland in 1875 at the age of but fifty-four, but his active, adventurous career lives on in his many volumes. *Crusoe's Island* and *Adventures in the Apache Country* are particularly important from the standpoint of Western history.

CARL I. WHEAT.

Pioneer Notes from the Diaries of Judge Benjamin Hayes, 1849-1875. [Edited and privately published by Marjorie Tisdale Wolcott], Los Angeles, 1929. 8vo., 307 pp., illust.

The publisher of this volume is to be commended for her efforts to rescue from oblivion the name of one of Southern California's leading pioneers — long since forgotten in the mad rush of realtors. Judge Benjamin Hayes was an able lawyer — he was also a fearless judge. He lived through that period in the history of Los Angeles when the town was known as the roughest, toughest place on the continent, and he died in 1877 just as the little pueblo was beginning its astounding climb to fame and population.

The notebooks whose contents are here published were prepared for the entertainment of Mrs. Hayes, an invalid, and after her death for Chauncey, their

son, now a resident of Oceanside. Judge Hayes's other notes — in the form of scrapbooks — are in the Bancroft Library and await at least a partial publication. This is an important work which should some day be undertaken under Southern California auspices.

While the present volume displays the marks of rather amateurish book printing and binding, and while the diaries are very meagerly documented (there being very few "notes" where an infinitude of material was available), the book stands out as a real contribution to the history of that portion of the State south of the Tehachapi. The transcontinental trip by the southern route in 1850; the Los Angeles of the "fifties"; the practice of law during Southern California's pre-adolescent decades; San Diego, San Bernardino, the life of the ranchos — all are pictured in these diaries. Mrs. Wolcott is to be thanked for her efforts and congratulated on the presentation to this later age of these memories of a picturesque period now gone forever.

C. I. W.

Reglamento para el Gobierno de la Provincia de Californias, Aprobado por S. M. en Real Orden de 24 Octubre de 1781. San Francisco, The Grabhorn Press, 1929. 2 vols. 8vo., 55, 55 pp., with a Bibliographical Note by Oscar Lewis.

This important historical document, the "Regulations for Governing the Province of the Californias," is now reprinted by the Grabhorn brothers in their best manner, both in the original Spanish and in the English translation of John Everett Johnson. A unique copy of this document (originally drafted by Don Felipe de Neve) was preserved in the Surveyor-General's office in San Francisco, and in 1874 the California Historical Society printed it with Mr. Johnson's translation. All but six copies of this reprint were destroyed by fire, and the original was destroyed in the San Francisco fire of 1906. The Grabhorns have therefore performed a worth-while and much-needed service in making this valuable historical record again available. The present edition is of three hundred copies, printed on hand-made paper, the two volumes being boxed together.

C. I. W.

Bandits of the Southern Pacific. By C. B. Glasscock. Frederick A. Stokes Company, New York, 1929. 8vo., 294 pp.

This volume is in the main a narrative of the lives of Chris Evans and John Sontag, two daring, unscrupulous and tough-fibred outlaws, who successfully defended themselves for over ten months in the Tulare Mountains against sheriffs and their deputies, constables and their deputies, and posses of one kind or another. These desperados and suspected train robbers left a trail of blood behind them, killing three officers of the peace and wounding at least five others during the thrilling "man-hunt" which began after the attempt to question Evans and John Sontag at the former's home for participation in the

robbery, on the night of August 3, 1892, of the Southern Pacific Train No. 17, near Collis, now Kerman, in Fresno County. It is a swift-moving narrative of battles, killings, hair-breadth escapes, arrests, and clever, daring jail breaks.

There are chapters in the book giving accounts of the Mussel Slough tragedy and the antagonism between the settlers and the Southern Pacific Company, growing out of the railroad's land policy. The extermination at Coffeyville, Kansas, of the Dalton gang, who were suspected of some of the train hold-ups in the late eighties and early nineties, particularly those at Pixley, Goshen, and Alila, is described in the book.

It is an amazing episode in California history that Evans and Sontag could, as late as the early nineties, successfully defy all the powers of law and order for nearly a year, killing and maiming men sent to bring them in, escaping to the hovel homes of impoverished mountaineers who were willing to feed them and bind up their wounds and make for them a sanctuary where the old fashioned King's writ would not run. Among these simple people Chris Evans became a sort of Robin Hood. They trusted and admired him, and though a price of \$10,000.00 was upon his head, no evidence has ever been found that any one of them ever tried to betray him. Of course, this outlawry had to come to an end sometime, and it looked as though that much-desired end had come with the death of John Sontag and the maiming of Chris Evans. With George Sontag in Folsom, John Sontag dead, and Chris Evans sentenced to life imprisonment, the Southern Pacific, the Wells Fargo Express and the State of California thought they could relax. But they had not sufficiently measured Chris Evans' resourcefulness. He planned and executed a daring and clever escape, in which he was assisted by his daughter, Eva, who is made a heroine in the story, and one Morrell, an admirer of Evans. The forces of law, not being able to capture Evans in the mountains, successfully lured him to Visalia by a false report that one of his children was ill. He was arrested and sentenced to Folsom prison for life. He was pardoned in 1911 and went to Oregon where he found refuge in his last days with his grown sons.

CHARLES P. CUTTEN.

MEETINGS OF THE SOCIETY

The Society held a luncheon meeting on June 18, 1929, at the Clift Hotel. Brother Leo of St. Mary's College spoke on "Some Phases of California Literature." He touched on the work of a number of California writers and gave brief but suggestive comment on them and their productions. He then turned to Bret Harte, Joaquin Miller, Jack London, and Frank Norris for a more extended survey, interspersing his comments with anecdotes and quotations. The latter were rendered with great feeling and understanding. It is impossible to convey in any brief compass, either an abstract of the matter or the impression left after listening to the speaker's graceful presentation of his subject. There were sixty-five members and guests present.

There was no July meeting.

On Tuesday, August 20, 1929, the Society held a luncheon meeting at the Clift Hotel. Mr. Winfield Scott of the California Forest Protective Association spoke on "The Redwood in the History of California and in the Future." After reviewing the history of early logging operations and the methods of handling logs and timber lands as they have developed up to the present time, Mr. Scott described the natural reforestation that *Sequoia sempervirens* undertakes on its own initiative. He then told of the efforts that man is making to supplement this process. In the compass of five years a series of nurseries has been established by the lumber companies, methods of seeding and propagating worked out, and actual reforestation started on a large scale. He said that by 1935 a new redwood would be planted and growing for every one that had been cut since logging began. It is anticipated that the earliest replantings will be ready for use about A. D. 2000. The lecture was illustrated by some very interesting and instructive slides, which covered all phases of the subject. There were about thirty-five members and guests present.

ANSON S. BLAKE.

NEW MEMBER

Kaime, Miss Laura S., Santa Barbara.

IN MEMORIAM

MARY ELIZA DAVIS BUCKNALL

April 1, 1845, to June 4, 1929

When San Francisco, in 1850, celebrated California's admission to the Union, a little girl, Mary Davis, represented the infant State in the parade. Fifty years later another parade was held, and the same individual again rode in the place of honor. So would it have been at the seventy-fifth anniversary had not a temporary illness prevented her from attending. To those who knew her, Mrs. Bucknall, the Mary Davis of 1850, truly symbolized the spirit of San Francisco and of California.

It was quite appropriate that she should have been selected to represent the new State, for she was the first child born in San Francisco of the newly dominant race. At the time of her birth California was still in its pastoral period and the little settlement of Yerba Buena was regulated by a Mexican *alcalde*. American or Anglo-American families were few indeed. Her father, John Calvert Davis, a native of London, had come to California in the '30's; her mother, Mary Eliza Yount, born in Missouri in 1826, second daughter of George Yount, pioneer settler of the Napa Valley, had crossed the plains in 1843 with the Chiles-Walker party. They were married at San José, June 10, 1844, and on April 1, 1845, Mary Eliza Davis was born in a house on the corner of the streets now known as Washington and Kearny.

Soon after the birth of this child the Davis family moved to Napa Valley and lived at the patriarchal establishment of George Yount at Caymus Rancho. There, in 1848, the father died. Two years later the young widow, mother of three children, married Eugene Lemuel Sullivan, a lawyer recently come from New York. There were two more children, and then, in 1853, the mother died. Thus, at the age of eight years, Mary Davis came to look to her grandfather and her stepfather for parental care. In later years she was always happy to recall the days at Caymus Rancho—picturesque, fragrant with roses, enlivened with the farm activities and fiestas. In 1856 she attended a school at Sonoma kept by Dr. and Mrs. Ver Mehr.

While she was about fifteen, Mr. Sullivan took the family to Europe. She was already engaged to George J. Bucknall, and on April 14, 1864, when she was nineteen years old, they were married at Frankfort-am-Main, Germany. For several years she continued to live in Europe, and there her three children were born, one of whom died in infancy.

Upon their return to California, Dr. and Mrs. Bucknall entered into the social life of San Francisco and engaged in many activities. Mrs. Bucknall was for ten years treasurer of St. Luke's Hospital, and later devoted a great deal of time to the work of the Association for the Blind. She was an honorary vice president of the Women's Board of the Panama-Pacific International Exposition in 1915, a



MARY ELIZA DAVIS (MRS. GEORGE J. BUCKNALL)
At the age of fourteen years.

past president of the Women's Auxiliary to the Society of California Pioneers, and an honorary member of that society.

During her later years Mrs. Bucknall never relaxed interest in contemporary activities. She read widely and with liberal taste. She had a keen perception and a remarkably youthful mind. Even after her eightieth birthday she showed herself to be quite up-to-date and conscious of the prevailing mode. Upon her eighty-fourth birthday she received many friends, young and old, with great happiness amid music and flowers. She was, nevertheless, quite aware that she was nearly ready to depart. A few weeks later, June 4, 1929, she passed on.

Members of Mrs. Bucknall's immediate family still living are her half-sister Georgina (Mrs. John P. Jones), formerly of California, now of New York; her daughter Margaret (Mrs. Fred S. Myrtle), of Ross; and her granddaughter, Miss Desirée Marriott, of San Francisco.

FRANCIS P. FARQUHAR.

FRANK A. LEACH

August 19, 1846, to June 19, 1929

In the death of Frank A. Leach California lost a distinguished citizen, an outstanding editor, and a capable and efficient public official. As a newspaper publisher he had a high conception of his responsibilities and obligations to the public. This was strikingly demonstrated during his editorship of the *Napa Reporter*, the *Vallejo Chronicle*, the *Benicia New Era*, and the *Oakland Enquirer*. He founded the three newspapers first mentioned, and today the *Vallejo Chronicle*, with which Leach was associated for twenty years, retains its influence and prestige. The *Benicia New Era* appears regularly in this early capital of California, having been consolidated with the *Herald* and now being published as the *Benicia Herald-New Era*.

Frank Leach held strong convictions, illustrated early in his newspaper career. As a young man he obtained employment as a compositor on the *Napa Echo*, long since defunct. The editor was hostile to the federal government at a time when feeling ran high and lines were sharply drawn. One day he handed Leach a batch of editorial copy particularly venomous toward a policy of the national administration. A few lines were set with the youthful compositor growing momentarily more incensed until finally he threw down his stick, took his hat and coat, and after forcibly expressing himself to the editor, left the office and resigned his position.

Frank Leach always took a keen interest in politics. He entertained strong convictions on national issues and consistently stood for honesty, uprightness, and ability in the administration of State and local affairs. He was never bitterly partizan, recognizing his obligations as a disseminator of news to give the other side a fair hearing.

It was but natural, with the leadership he exercised, that there was constant

pressure to induce him to accept political preferment. During his temporary retirement as editor of the *Vallejo Chronicle* Leach was induced in 1879 to accept a nomination as member of the State legislature on the Republican ticket. He was elected and served with distinction for two terms in the Assembly. From 1882 to 1884 he occupied the position of postmaster of Vallejo. His most important office was that of Superintendent of the San Francisco Mint, to which he was appointed by President William McKinley in 1897. During the disastrous earthquake and fire of 1906 Frank Leach's splendid courage and great executive ability won national recognition. He directed the efforts which saved the mint from destruction by fire. With many banks destroyed the United States Mint became the financial center; and President Theodore Roosevelt appointed him treasurer for the handling of the government's financial transactions. In six weeks' time over \$40,000,000 was handled without the loss of a single dollar. Leach was appointed director of the United States Mints in 1909, later resigning to become president and manager of the Peoples Water Company of Oakland.

Viewing another side of his character, and a commendable one, Frank Leach was a lover of nature. He knew and continually studied the things that lived and grew. He was happy and at home in the fields among the birds and flowers. Several years ago at the writer's suggestion he wrote a series of articles for the *Oakland Tribune* on "California Nature Studies." He was also the author of an important volume of reminiscences entitled *Recollections of a Newspaperman*.

Able, fearless, endowed with the highest character, he played his important part in the development of California for nearly half a century. As a boy of five and a half years of age he came to California with his mother, by way of the Isthmus, his father having preceded the other members of the family and settled in Sacramento. Like all useful and valuable citizens who build communities, the life of Frank A. Leach was one filled with activity. Kindly, just in all his transactions, an exemplary and public-spirited citizen, gifted with a facile and trenchant pen, he stands forth as one of California's outstanding editors, an inspiration to those who must carry on in upholding the traditions of the Fourth Estate.

JOSEPH R. KNOWLAND.

CALIFORNIA HISTORICAL SOCIETY

609 SUTTER STREET
SAN FRANCISCO, CALIFORNIA

THE CALIFORNIA HISTORICAL SOCIETY announces the publication of a fourth volume in its series of monographs on the early history of the West. The work is entitled: *Spanish Voyages to the Northwest Coast of America in the Sixteenth Century*. The author, Mr. Henry R. Wagner, is well known for his contributions to the bibliography and history of the American and Spanish periods in Western America, including: *The Plains and the Rockies*, *The Spanish Southwest*, and *Sir Francis Drake's Voyage Around the World*.

In *Spanish Voyages* Mr. Wagner has assembled, translated, and annotated a wealth of source material from the archives of Seville and elsewhere, pertaining to the early voyagers — Ulloa, Bolaños, Cabrillo, Gali, Juan de la Isla, Pedro de Unamuno, Cermeño and Vizcaino. There are presented a number of original journals, narratives, letters, maps, and other documents, many of which have never before been published. The research involved has extended over a period of more than six years and has resulted in what is now practically a rewriting of the period of Spanish exploration along the northern shores of the Pacific.

During the past four years most of the documents collected in this volume have been published by Mr. Wagner in the *Quarterly of the California Historical Society*. This material has now been revised, rearranged, and largely rewritten.

Spanish Voyages is a volume of 571 pages, with complete facsimiles of the original narratives of four of the most important expeditions, reproductions of twenty early maps, and a complete analytical index.

An edition of only 435 copies has been printed. Four hundred of these will be placed on general sale. Twenty-five copies, specially bound, extra-illustrated, numbered, and signed by the author, will be available to collectors.

The price of the edition of 400 copies, bound in navy blue cloth and postpaid, is \$15.00. The price of the special extra-illustrated edition of 25 copies will be \$30.00.

